

1940 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1940)
(Superseding Mason's 1931, 1934, 1936 and 1938
Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions,
and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and
amendatory, and notes showing repeals, together with annotations from the
various courts, state and federal, and the opinions of the Attorney
General, construing the constitution, statutes, charters
and court rules of Minnesota together with digest
of all common law decisions.



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A sticker with nothing more on it than name of persons for whom both are desired is not a campaign card, but a sticker with the word added "for representative in state legislature" would constitute a campaign card which could not be distributed on election day. *Op. Atty. Gen.* (184a), Oct. 20, 1936.

Use of words "name of candidate, alderman, 11th ward" on a sticker circulated for use on city election ballot would constitute campaign literature which could not be distributed on day of election. *Op. Atty. Gen.* (28a-8), June 12, 1939.

553. Single personal campaign committee.

Finding that political committee was in fact personal campaign committee of appellant held not sufficiently sustained by evidence. *Mariette v. M.*, 185M620, 242NW 331. See *Dun. Dig.* 2993d.

554. Disbursements by committee.

Political committee can collect and disburse money in campaign for lawful purposes only. *Mariette v. M.*, 185M620, 242NW331. See *Dun. Dig.* 2994.

555. Statements of disbursements.

Evidence failed to show that respondent violated section in omitting from his verified election statements value of space in *Leader*, newspaper published by Farmer-Labor Association, a political party, devoted to respondent's election as Governor—there being no evidence that respondent, directly or indirectly, controlled what was published in *Leader* during candidacy. *Trones v. O.*, 197 M21, 265NW806. See *Dun. Dig.* 2994.

Respondent did not violate section in failing to report in verified election statements value of time consumed in broadcasting over radio station during his campaign, evidence showing that a volunteer committee, with whom respondent had no connections, had purchased time for broadcasting, and had notified respondent that it had allocated a certain amount thereof for respondent's use. *Id.*

556. Promises of or to aid in appointment prohibited.

Finding that one running for office promised to reward certain voters by giving them employment in return for their work and influence, held sustained by evidence. *Mariette v. M.*, 185M620, 242NW331. See *Dun. Dig.*, 2993c.

563. Contributions by corporations prohibited.

See note under §7459.
 Plaintiffs in a stockholders' action, themselves former directors of the corporation, held barred by acquiescence therein from complaining of unlawful expenditures by the management which were made pursuant to fixed policies of the company established and long maintained as such while plaintiffs were directors, no objection having been made before the institution of the action. *Barrett v. S.*, 183M431, 237NW15.

570. Contest on ground of violation of act.

Finding that defamatory statement was not "deliberate, serious and material," held sustained by evidence. *Dart v. E.*, 188M313, 248NW706. See *Dun. Dig.* 2993f.

Statutory authorization for contesting an election for violation of provisions of the *Corrupt Practices Act* does not apply to an election upon questions relating to erecting and establishing a lighting and heating plant by a municipality. *Morgan v. V.*, 194M104, 259NW689. See *Dun. Dig.* 2993c.

There was no error in permitting amendment of petition after time had expired for bringing contest. *Fritz v. H.*, 195M640, 263NW910. See *Dun. Dig.* 2984.

571. Trial—Court to determine merits.

Engelbert v. T., 185M603, 242NW425.
 Court properly refused to find that charges made were trivial, unimportant, and limited in character. 173M512, 217NW935.

"Unjust" is synonymous with "unlawful." *Dart v. E.*, 188M313, 248NW706. See *Dun. Dig.* 2991b.

Act of candidate meeting two or three neighbors on road on election day, carrying them to polls in his automobile was trivial and unimportant. *Sweno v. G.*, 191M 24, 252NW839. See *Dun. Dig.* 2993c.

In election contest case, evidence of alleged violation of *Corrupt Practices Act* examined and found to justify finding that violations of that act were trivial and unimportant and so did not void election. *Miske v. F.*, 193 M514, 259NW18. See *Dun. Dig.* 2993f.

572. Contest, when and where commenced.

Corrupt Practices Act [538 to 579] does not apply to elections in townships of less than 5,000 population. 174 M333, 219NW284.

Questions arising out of disputes on filing of nomination petitions must be presented to court promptly so they may be considered properly. *Johnson v. H.*, 196M192, 269NW405. See *Dun. Dig.* 2928.

573. Disqualification of candidate, etc.

Where mayor of Winona was removed from office for violation of the *corrupt practices act* the vacancy should be filled by the council under Winona City Charter, chapter 2, section 11, and it is not necessary to call a special election under section 12 of that chapter. *Op. Atty. Gen.*, June 9, 1931.

579. Sections repealed.

Corrupt Practices Act of 1912 [§§538 to 579] does not apply to election of township officers in counties of less than 5,000 population. 174M333, 219NW284.

PENAL PROVISIONS

580. False registration—Personation.

Penal provisions of §§580 to 601 are applicable to misconduct of election officials in township elections. *Op. Atty. Gen.*, (627h), May 20, 1938.

581. Offering duplicate ballots, unlawful voting, etc.

Evidence that one teaching school in Litchfield voted at a special bond election in another county one day and at a special election in Litchfield the following day, and that she had not resided in Litchfield for 30 days would justify a presentation of case to grand jury. *Op. Atty. Gen.*, Nov. 2, 1933.

One casting ballot at township election after only several days' residence could be prosecuted under this section if facts show an unlawful intent. *Op. Atty. Gen.* (490j-2), Mar. 18, 1935.

582. Bribery before or at elections.

Evidence held to sustain finding that defendant promised public employment in order to aid and promote his election. 173M512, 217NW935.

Whether an article upon which campaign literature is printed is a thing of value is not determined by the cost of producing the article but its value to the recipient for the purpose intended. *Op. Atty. Gen.*, Mar. 7, 1930.

An offer to serve for less than the legal salary made by a candidate for office in the course of his campaign for election is a violation of this statute, but one already an officer may accept a reduction in salary. *Op. Atty. Gen.*, Jan. 29, 1932.

Voluntary acceptance of reduced salaries by public officials applies to township officers. *Op. Atty. Gen.*, Mar. 4, 1932.

Whether or not a tire cover is a "thing of value" is a question of fact depending upon material of which constructed and use to which it can be put. *Op. Atty. Gen.*, Mar. 8, 1933.

Agreement by elective official to accept voluntary reduction in salary is not illegal unless made with intent to influence voters at future election. *Op. Atty. Gen.*, Mar. 20, 1933.

While candidates for county elective offices may not accept reduction in pay to influence election, county elective officers may, after election, voluntarily accept a pay reduction, if such reduction is not accepted with intent to influence voters at a subsequent election. *Op. Atty. Gen.*, Mar. 22, 1933.

Acceptance of cut in salary pursuant to resolution of county board would not be violation of *corrupt practice act* or this section. *Op. Atty. Gen.*, July 27, 1933.

Whether packets of matches with political advertisements thereon are things of value is a question of fact. *Op. Atty. Gen.* (627f-1), Mar. 4, 1938.

Cigars, sticks of gum, lead pencils, and similar articles are "things of value", and books of matches might be held by court to be such. *Op. Atty. Gen.*, (627f-1), Aug. 9, 1938.

591. Defamatory circulars, etc.

Although defamatory of supporters of a candidate, a campaign document held not defamatory of candidate himself and so no violation of *Corrupt Practices Act*. *Dart v. E.*, 188M313, 248NW706. See *Dun. Dig.* 2993f.

595. Willful neglect, failure, or fraud of election officers.

Election officials who willfully refuse to allow qualified Indians to vote at school elections are subject to prosecution under this section. *Op. Atty. Gen.* (490g), Sept. 21, 1934.

CHAPTER 6A

Minnesota Election Law

(For annotations under former acts see chapter 6.)

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PART ONE

CHAPTER 1.—DEFINITIONS

601-1(1). Short title of act.—This act shall be known and may be cited as the "Minnesota Election Law." (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §1.)

601-1(1)a. Definitions—"Election." — The word "election", as used in this act, shall mean and include any election, except those held in any school district, at which the electors of the state or of any subdivision thereof nominate or choose by ballot public officials or decide any public question lawfully submitted to them. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §2.)
 Reenactment of §§381, 393-2.

601-1(1)b. Same—"General election".—The words "general election", as used in this act, shall mean and include the election provided to be held in the state on the first Tuesday after the first Monday of November in every even-numbered year. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §3.)
 Reenactment of §496.

601-1(1)c. Same—"Primary" or "primary election".—The words "primary" or "primary election", as used in this act, shall mean an election held for the purpose of deciding by ballot who shall be the nominees for the offices named in this act, or for the election by ballot of delegates to political conventions. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §4.)

601-1(1)d. Same—"Municipal election".—The words "municipal election", as used in this act, shall

mean an election held in a municipality at which the electors of the municipality choose by ballot public officials for such municipality, or decide any public question relating to such municipality lawfully submitted to them. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §5.)
 Reenactment of §256.

601-1(1)dd. Same—"Special election".—The words "special election", as used in this act, shall mean an election held for a special purpose as in this act provided. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §6.)

601-1(1)e. Same—"Special primary" or "special primary election".—The words "special primary" or "special primary election", as used in this act, shall mean a primary election held to select the nominees for the offices to be filled at a special election. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §7.)

601-1(1)ee. Same—"Political party".—The words "political party", as used in this act, shall mean one which shall have maintained in the state, governmental subdivision thereof or district therein in question a party organization, and presented candidates for election at the last preceding general election one or more of which candidates shall have been voted for in each county within the state at such election and shall have received in the state not less than five per cent of the total vote cast for all candidates at such election or whose members to a number equal to at least five per cent of the total number of votes cast at the preceding general election in the county where the application is made shall present to the county auditor a petition for a place on the primary election ballot. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §8.)
 Reenactment of §294.

601-1(1)f. Same—"City".—The word "city", as used in this act, shall mean an incorporated city within this state. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §9.)
 Reenactment of §256.

601-1(1)ff. Same—"City of the first class".—The words "city of the first class" or "cities of the first class", as used in this act, shall mean and include any city within the state of over 50,000 inhabitants. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §10.)

601-1(1)g. Same—"City of the second class".—The words "city of the second class" or "cities of the second class", as used in this act, shall mean and include any city within the state of 50,000, and not less than 20,000 inhabitants. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §11.)

601-1(1)gg. Same—"City of the third class".—The words "city of the third class" or "cities of the third class" as used in this act, shall mean and include any city within the state of 20,000, and not less than 10,000 inhabitants. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §12.)

601-1(1)h. Same—"City of the fourth class".—The words "city of the fourth class" or "cities of the fourth class", as used in this act, shall mean and include any city within the state of 10,000 inhabitants or less. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §13.)

601-1(1)i. Same—"Village".—The word "village", as used in this act, shall mean an incorporated village or borough within this state. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §14.)
 Reenactment of §256.

601-1(1)ii. Same—"Municipality".—The word "municipality" or "municipalities" as used in this act, shall mean and include any city, village or borough. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §15.)
 Reenactment of §256.

601-1(1)j. Same—"Municipal corporation".—The words "municipal corporation", as used in this act, shall mean and include any municipality, county or town. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §16.)
 Reenactment of §256.

601-1(1)jj. Same—"Council".—The word "council", as used in this act, shall mean the governing body of a municipality. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §17.)

Reenactment of §256.

601-1(1)k. Same—"Judge", "clerk".—The words "judge" and "clerk", as used in this act, shall mean any judge of election or clerk of election, as the case may be. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §18.)

Reenactment of §256.

601-1(1)l. Same—"Peace officer".—The words "peace officer", as used in this act, shall mean and include any sheriff, constable, policeman, or any citizen appointed and empowered to perform any of their duties. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §19.)

Reenactment of §256.

601-1(1)m. Same—"District".—The word "district", as used in this act, shall mean an election district. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §20.)

Reenactment of §256.

601-1(1)n. Same—"Voter".—The word "voter", as used in this act, shall mean an elector qualified to vote at an election. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §21.)

Reenactment of §256.

601-1(1)o. Same—"Polls".—The word "polls", as used in this act, shall mean and include the place of voting. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §22.)

Reenactment of §256.

601-1(1)p. Same—"Population", "inhabitants".—The word "population" and the word "inhabitants", when used in reference to population, as used in this act, shall mean that shown by the last preceding census, United States or State, unless otherwise expressly provided. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §23.)

601-1(1)pp. Same—"Convention".—The word "convention", as used in this act, shall mean an organized body of delegates, representing a political party, assembled for the purpose of nominating candidates for office, which political party at the last preceding general election before the holding of such convention polled at least five per cent of the entire vote cast in the state for the office for which the nomination is made. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §24.)

Reenactment of §327.

601-1(1)q. Same—"Contestant".—The word "contestant", as used in this act, shall mean the person who begins any proceeding to contest the result of an election. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §25.)

Reenactment of §256.

601-1(1)r. Same—"Contestee".—The word "contestee", as used in this act, shall mean the person who is adverse to the contestant. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §26.)

Reenactment of §256.

601-1(1)rr. Same—"Senator".—The word "senator" or "senators", as used in this act, shall mean a member or members of the senate of this state. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §27.)

Reenactment of §256.

601-1(1)s. Same—"Representative".—The word "representative" or "representatives", as used in this act, shall mean a member or members of the house of representatives in this state. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §28.)

Reenactment of §256.

601-1(1)ss. Same—"Commissioner".—The word "commissioner", as used in this act, shall mean and include any person acting as a commissioner of registration pursuant to the provisions of Part Two of this act. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §29.)

601-1(1)t. Same—"Election board".—The word "election board", as used in this act, shall mean and include the judges of election of an election district. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 1, §30.)

CHAPTER 2.—GENERAL PROVISIONS

601-1(2). Terms of office.—The term of office of every state and county officer shall begin on the first Monday in January next succeeding his election, unless otherwise provided by law. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 2, §1.)

Reenactment of §257.

601-1(2)a. Equal suffrage.—Every female person of the age of 21 years or upwards, who has been a citizen of the United States for three months or more next preceding any election, and who shall have resided in this state six months next preceding any such election, is authorized to vote at such election in the election district of which she shall at the time have been for 30 days a resident; provided such female shall otherwise be a person included in the classes of persons permitted to vote under the provisions of article 7 of the constitution of the state. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 2, §2.)

Reenactment of Laws 1919, Ex. Ses., c. 58, §1.

601-1(2)b. Same.—Every and all provisions of the laws of this state pertaining to elections, and in terms or otherwise, limiting the right to vote at any election to male persons or referring to male persons as being the only persons authorized to vote at any election, shall be construed as being extended to and as including such females as are defined and described in this act. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 2, §3.)

Reenactment of Laws 1919, Ex. Ses., c. 58, §2.

601-1(2)c. Change of name of political party.—Any political party as defined by the election laws of this state may change its name by complying with the following conditions:

The state central committee of such political party may call a convention, and shall state in its call that a convention is called for a certain time and place, for the purpose of changing the name of such party to some specific name given in such call. Such convention shall be held before the termination of the time for filing for nomination for primary elections preceding the general state election, and such change shall be agreed by resolution of a majority of such convention.

A copy of the resolutions determining upon such change of name, certified by the chairman and secretary of such convention, shall be filed with the secretary of state within five days after the holding of such convention. Thereafter such political party shall be known by the new name called for by said resolution, and said party under its new name shall have all the rights that it had under its former name. (Act Apr. 21, 1939, c. 345, Pt. 1, c. 2, §4.)

Reenactment of §295.

PART TWO REGISTRATION OF VOTERS

CHAPTER 1.—GENERAL PROVISIONS

601-2(1). Election districts in certain municipalities—Necessity of registration.—The judges of election in any election district located in any city now or hereafter having not less than 10,000 inhabitants, or in any municipality now or hereafter having more than 7,000, and less than 10,000, inhabitants and an assessed valuation of more than \$8,000,000, or in any municipality now or hereafter having less than 10,000 inhabitants when the governing body of such municipality shall by ordinance or resolution elect to come within the provisions of this Part, shall not receive the vote of any person at any election whose name is not registered in accordance with the provisions of Part Two of the Minnesota Election Law. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 1, §1.)

Reenactment of §§382, 393-3.

601-2(1)a. Right to be registered.—Every person residing in any such district who has the constitutional qualification of a voter, or who will have such qualifications at the next ensuing election, shall be entitled to be registered as a voter in the district in

which he resides. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 1, §2.)

Reenactment of §393-2.

601-2(1)b. Commissioner of Registration.—The office of commissioner of registration is hereby created in any city now or hereafter having more than 10,000 inhabitants, and in any municipality now or hereafter having more than 7,000, and less than 10,000, inhabitants and an assessed valuation of more than \$8,000,000, and in any municipality now or hereafter having less than 10,000 inhabitants when the governing body of such municipality shall by ordinance or resolution elect to come within the provisions of this Part. The city clerk of each such city and the village clerk or village recorder, as the case may be, of each such village is hereby constituted such commissioner. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 1, §3.)

Reenactment of §§380, 393-1.

601-2(1)c. Compensation of commissioner.—Such commissioner may receive such additional salary as shall be fixed by the council of the municipality, and he shall retain the same, notwithstanding any provisions in the charter of such municipality to the contrary; provided, however, that such additional salary shall not exceed \$600.00 each year in any municipality now or hereafter having more than 7,000, and less than 10,000, inhabitants and an assessed valuation of more than \$8,000,000; provided, further, that such additional salary shall not exceed \$300.00 in any municipality now or hereafter having less than 10,000 inhabitants. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 1, §4.)

Reenactment of §§392, 393-1.

601-2(1)d. Duties of commissioner.—The commissioner of a municipality shall have complete charge of the registration of all voters therein. He shall provide such printed forms, blanks and other supplies and equipment as are necessary to properly carry out the provisions of Part Two of the Minnesota Election Law. Subject to the provisions of such Part, he shall prescribe such reasonable rules and regulations as to the hours during which his office shall be open and as to the places and manner of registration as may be necessary. The office of the commissioner shall remain open until 9:00 P. M. for each of the eight days, not including Sundays and legal holidays, immediately preceding the last registration day. He shall appoint such deputies, clerks, and other employees as may be necessary. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 1, §5.)

Reenactment of §§383, 383-1, 393-4.

CHAPTER 2.—REGISTERING OF VOTERS

601-2(2). Application for registration—Time—Persons who have registered.—Any person, not already registered, who possesses the constitutional qualifications of a voter, or who will possess such qualifications on the day of the next ensuing election, may make application for registration to the commissioner of the municipality wherein he resides on any day other than a Sunday, a legal holiday, the day of any election, and the 20 days preceding any election day; provided, however, that those persons who have registered in accordance with the provisions of any act requiring the registration of voters which is in existence at the time the Minnesota Election Law becomes effective shall not be required to re-register, but such registration shall be deemed a registration hereunder. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 2, §1.)

601-2(2)a. Commissioner to establish registration plan.—The commissioner shall immediately proceed to establish the registration plan provided for herein. He shall provide for an original list of voters, which shall be properly indexed, kept at the office of the commissioner and properly safeguarded. This list shall be known as the "Original Registration List" and shall not be removed from such office except upon

an order of a court of competent jurisdiction. He shall prepare a second list from the "Original Registration List" which shall be known as the "Duplicate Registration List." Subject to reasonable rules and regulations, the "Duplicate Registration List" shall be, at all times, open to public inspection; but no such public inspection shall be permitted or allowed that will disarrange the election lists. Whenever any municipality shall hereafter come within the application of Part Two of this act the council shall immediately provide the commissioner with the necessary funds, equipment and facilities, and the commissioner shall proceed to establish a place of registration and put said registration plan into operation without delay. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 2, §2.)

Reenactment of §§384, 384-1, 393-5.

601-2(2)b. Present registration lists to be used.—The registration lists in use in the several municipalities at the time this act becomes effective shall continue to be the official registration lists pursuant to this act. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 2, §3.)

601-2(2)c. Change of boundaries of election districts.—Whenever the boundaries of an election district in any such municipality shall be changed, the commissioner shall immediately change his registration lists so as to correctly show the names of the voters who are residents therein; and, in each case, the commissioner shall also, in the manner provided in Chapter 2, Section 6, of this Part cause the word "removed" to be written opposite the names of all voters formerly residing in such district, whose names appear upon the registration lists of such districts and who, by reason of the change in boundaries, ceased to be residents thereof. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 2, §4.)

601-2(2)d. Records of registration.—For the purpose of expediting the work of the commissioner, to promote uniformity in registration, and for the preparation of abstracts and other forms to be used by election boards, registration records shall be substantially as follows:

(a) Suitable card index devices shall be provided.

(b) Suitable index cards of sufficient size and facial area to contain the data required thereon shall be provided.

(c) The following information concerning each applicant shall be required and placed upon such index cards:

Election district;

Name of applicant in full; showing any change of name due to marriage, divorce, decree of a court, etc.;

Residence, showing exact location thereof;

Age;

Term of residence in state and district;

Nativity;

Citizenship—manner in which acquired;

Date of application;

Signature of voter.

(Act Apr. 21, 1939, c. 345, Pt. 2, c. 2, §5.)

Reenactment of §§385, 393-6.

601-2(2)e. Removal notices.—Removal notices shall be provided by the commissioner, which shall be given out upon request, for the use of a registered voter moving to a new location. The form of such notice shall show the voter's last residence, the new residence, and a line for the signature of the voter, which should be the same as that on the "Original Registration List". Upon receipt of a removal notice, but not less than 20 days prior to any election, the signature thereon shall be compared with that on the original registration list. If these signatures are not similar, the commissioner shall not make an entry of such change of residence and shall send by mail to the applicant at his new address a postal card notice stating that such transfer was not made, together with the reason therefor. If these signatures are similar, the commissioner shall make proper entry of

such change of residence on the registration lists; and thereafter, the applicant shall be qualified to vote in the new district; provided, however, that a voter removing from one place to another in the same district shall be once entitled to vote therein without filing a removal notice. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 2, §6.)

Reenactment of §§385, 393-6.

601-2(2)f. Duplicate registration list—Election register.—The commissioner shall compile a duplicate registration list of the voters in each district in the municipality and deliver to the judges in each district the duplicate registration list for that district, which shall be known as the "Election Register". The election register for any district shall contain the name and address of each registered voter in that district with a space following each name in which shall be recorded the words "voted" or "not voted", as the case may be; and a space in which may be recorded any challenge, affidavit, or other information, as may be required. Such entries shall be made by a judge after the ballot of such voter has been deposited. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 2, §7.)

Reenactment of §§385, 393-6.

601-2(2)g. Verification of registration lists—Commissioner may mail notice—Challenges.—For the purpose of preventing fraudulent voting and eliminating excess names, the commissioner may, at any time he deems it necessary, send by mail to any voter whose name appears on the original registration list a notice that his name and address appear thereon as indicated by such notice; and if there be any mistake in the name or the address, the voter should present said notice in person at the office of the commissioner and have the same corrected within the time limited in said notice and upon failure so to do and/or the return of said notice by the post office to the commissioner will be sufficient evidence to justify a challenge of his vote at an election, which notice shall be signed by the commissioner. Upon the return by the post office of any such notice, the commissioner shall direct a deputy or clerk in his office to personally ascertain the name and address of any such voters; and, if such voter is found to have removed from the address recorded in the original registration list, the commissioner shall cause to be entered on the election register in the proper space opposite such voter's name, the word "challenged." No person so challenged shall be permitted to vote except by complying with all provisions of law applicable to the proving of challenges. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 2, §8.)

Reenactment of §§385, 393-6.

601-2(2)h. Report of deaths of voters.—At least every 15 days the officer in charge of the death records in any such municipality shall report to the commissioner the name and address of each adult person who has died while a resident in such municipality since the last previous report of such officer concerning such deaths made to said commissioner. Upon receipt of such report, the commissioner shall examine the original and duplicate registration lists and remove therefrom and destroy the registration cards of registered persons so reported by said officer as deceased. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 2, §9.)

Reenactment of §§385, 393-6.

601-2(2)i. Report of change of name.—On or before January 1, April 1, July 1 and October 1, each year, the clerk of the district court in each county in the state shall report to the commissioner of each municipality in his county the name and address of each person, 21 years of age or over, residing in such municipality whose name shall have been changed, during the 3 months next preceding the date of the report, by marriage, divorce, or any order or decree of such court. Upon receipt of such report, the commissioner shall examine the original and duplicate registration lists and ascertain whether or not

such person has re-registered under such changed name; and, if no re-registration be shown by said lists, the commissioner shall, by mail, notify such voter that it is necessary for him to re-register under such changed name in order to vote at an election. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 2, §10.)

601-2(2)j. Report of guardianships, etc.—On or before January 1, April 1, July 1, October 1, each year, the judge of probate in each county in the state shall report to each commissioner in his county the name and address of each person, 21 years of age or over, residing in such municipality who shall, during the 3 months next preceding the date of the report, have been placed under a guardianship of the person, restored to capacity or discharged from guardianship to another jurisdiction by said probate court, and each such person under guardianship of the person transferred to the jurisdiction of said probate court; and shall report the name and address of each insane or feeble-minded person committed to the state board of control or any institution under its control or restored to capacity by said court. Upon receipt of such report, the commissioner shall examine the original and duplicate registration lists; and if such examination discloses that any of the persons named in such report as being under guardianship of the person, or committed to the state board of control or any institution under its control are registered, the commissioner may remove and destroy the registration cards of such persons; and, if the commissioner finds from such examination that the names of the persons restored to capacity or discharged from guardianship are not registered, he shall immediately notify such persons that it is necessary for them to register. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 2, §11.)

601-2(2)k. Application for registration—Time—Place—Oath of voter.—The commissioner shall, up to 20 days next preceding any election, receive the application for registration of such voters as personally appear for registration at his office, or at such other place as is designated by him for registration, who then are, or on the date of the election next following the day of making such application, will be entitled to vote. Any voter who applies for registration shall subscribe to the following oath or affirmation: "You do solemnly swear or affirm that you will fully and truly answer such questions as shall be put to you touching your qualifications as a voter under the laws of this state."

Upon being sworn, the applicant shall answer such questions as are required, as hereinbefore set forth, and the clerk shall fill out the form which the applicant shall sign, and he shall not be required to register again for any election; except as provided in Chapter 2, Section 14. In case a voter is unable to write his name, he shall be required to make a cross, which shall be certified by the signing of the name of the applicant by the registration clerk taking the application. A voter who is unable to sign his name shall not be permitted to mail or hand in a removal notice, as in this Part provided, but must appear in person to secure a removal of his name to the election register of his new voting district; provided, however, that any person entitled to vote at any election who is absent from the district in which he maintains his legal residence and is entitled to vote, may, up to 20 days next preceding any such election, make application in writing to the commissioner to have his name entered upon the election register of the district of his said residence, by mailing to and filing with said commissioner his application and affidavit substantially in the following form:

"I,, being first duly sworn, on oath say I am a legal voter in the State of Minnesota; that I reside at No. street (or avenue), in the district in the ward in the city (or village) of; that I have not been

and will not be able to be present in such municipality to register personally, for the reason that; that I desire to be registered in such district; that my full name is; I was born at; I have resided in the United States for . . . years and . . . months; and in the State of Minnesota for . . . years and . . . months, and in such district for . . . years, . . . months and . . . days; that I am able to read English; that at the last general election I resided at No. street (or avenue), in such municipality, and was registered and voted at the . . . district of the . . . ward (or that at the last general election I was not a resident of such municipality, but voted at); (the following to be omitted if native born) that I am a naturalized citizen of the United States; that my final papers were issued by the . . . (give court and place) on the (give date or other particulars)

(Signature)

Subscribed and sworn to before me

This . . . day of . . . , 19

Upon the filing of said application with him, the commissioner shall forward to said applicant original and duplicate registration cards which said applicant shall sign and acknowledge before an officer authorized by law to administer oaths and return same to said commissioner. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 2, §12.)

Reenactment of §§386, 393-7.

601-2(2)l. Commissioner to perfect election registers.—The commissioner shall have 20 full days between the last day of registration and election day to perfect his election registers, and for that purpose 20 days before an election day shall be days upon which voters may not register. During these 20 days the commissioner shall complete the election registers and, on the day before election, shall deliver them to each district. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 2, §13.)

Reenactment of §§387, 393-8.

601-2(2)m. Commissioner to check registration list.—At the close of each calendar year the commissioner shall check the registration list for the purpose of eliminating excess names; and, to that end, shall examine the election registers and whenever it appears that a registered voter has not voted at an election at least once in two consecutive calendar years his card shall be taken from the original and duplicate registration lists and destroyed, and a printed postal card notice of these facts, and that the voter must re-register in order to vote in said district at any ensuing election, shall be sent to the last known address of said voter. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 2, §14.)

Reenactment of §§388, 393-9.

601-2(2)n. Challenges to voters.—Any person may challenge a registration at any time by filing a written challenge with the commissioner. He shall fix a time and place for hearing and notify all parties interested. At said time and place the matter shall be heard and determined by the commissioner, who shall file his written decision in his office within three days after such hearing. Either party may within ten days appeal from such decision to the district court of the county in which said municipality is located, and said appeal shall be heard and determined by the court within 30 days from the time of the filing of the appeal. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 2, §15.)

Reenactment of §§389, 393-10.

CHAPTER 3.—MISCELLANEOUS PROVISIONS

601-2(3). Violations—Penalties.—Any officer, deputy, clerk or other employee who shall wilfully fail to perform or enforce any of the provisions of Part Two of this act, or who shall unlawfully or fraudu-

lently remove any registration card or record from its proper compartment in the registration records, or who shall wilfully destroy any record provided by said Part Two to be kept, or any person who shall wilfully or fraudulently register more than once, or register under any but his true name, or attempt to vote by impersonating another who is registered, or who wilfully registers in any district where he is not a resident at any time of registering, or who adds a name or names to a page or pages of the registration lists, records or cards, or who violates any of the provisions of said Part Two, shall be guilty of a felony. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 3, §1.)

Reenactment of §§390, 393-11.

601-2(3)a. Oath of office.—Each officer, deputy, clerk or other employee shall, before entering upon his duties, subscribe to an oath in such form as shall be provided by the attorney for the municipality. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 3, §2.)

Reenactment of §§391, 393-12.

601-2(3)b. Expenses.—The necessary expense in each municipality for carrying out the provisions of Part Two of this act shall be paid by such municipality and the council thereof shall provide out of the current revenues of the municipality sufficient funds for that purpose, based upon the estimate prepared by the commissioner. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 3, §3.)

Reenactment of §§392, 393-13.

601-2(3)c. Judges or clerks may not be registration officers.—No judge or clerk in any district located in any municipality shall act as registration officer or clerk. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 3, §4.)

Reenactment of §302.

CHAPTER 4.—COMBINED SYSTEM OF PERMANENT REGISTRATION

601-2(4). Registration in certain municipalities.—Any municipality now or hereafter having more than 7,000, and less than 10,000, inhabitants and an assessed valuation of more than \$8,000,000, or in which a registration system has been established, may join with any independent school district or town in which it is located, if the municipality is not separated from such town for purposes of election and assessment, or may join with both such independent school district and such town, in the creation of a combined system of permanent registration for the voters at all elections held in any such municipality, town or independent school district in the manner provided in this chapter. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 4, §1.)

Reenactment of §393-15.

601-2(4)a. Combined registration system—Petition to establish—Appointment of commissioner.—The council of any such municipality and the governing board of any such school district or town, or both, as the case may be, may, by resolution, join in a petition to the district court of the county in which such municipal corporations are located, requesting the establishment of such combined registration system. Thereupon, the court shall appoint a competent person as commissioner and shall designate the place where the office of the commissioner shall be maintained and the files and records of such registration system shall be kept. The commissioner shall act under the supervision of the court and shall not be permitted to hold any other public office or employment. The court shall fix his compensation and shall authorize the employment of necessary clerical assistance. The commissioner may be removed or replaced at any time by the court in the public interest. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 4, §2.)

Reenactment of §393-16.

601-2(4)b. Duties of commissioner.—The commissioner for such combined system shall have all the powers and duties and be subject to all the penalties and restrictions heretofore provided in this Part for the commissioners in such municipalities. He shall

maintain and keep regular office hours, during which times his office shall be open for registration and his records and files open to public inspection, as heretofore provided in this Part for commissioners. All the provisions, requirements and restrictions in this Part applying to the registration of voters shall apply to such registration in accordance with the provisions of this chapter; and, after such combined registration system is established, no person shall be permitted to vote at any election in any of such municipal corporations unless such person is registered in accordance with the provisions of this chapter. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 4, §3.)

Reenactment of §393-17.

601-2(4)c. Election districts.—Upon the establishment of such combined system of registration, that portion of the town or school district which is located within the municipality shall be divided into election districts which shall be identical and co-terminous with the election districts of the municipality existing at the time this act becomes effective, and the voters already registered in such districts shall not be required to re-register. The municipal authorities shall deliver all of the existing registration lists, cards and records of such municipality to the commissioner for such combined system. That portion of the town which is not located in any such municipality, and that portion of the school district which is not located in either the town or such municipality, shall be divided into separate election districts in such a manner as to provide the greatest convenience for the voters thereof, and such registration lists, cards and records of this additional registration shall be kept separately and apart from the registration of any such municipality, and shall be used only for elections conducted either by any such school district or town, as the case may be. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 4, §4.)

Reenactment of §393-18.

601-2(4)d. Conduct of elections—Expense of establishing system.—The council of any such municipality and the governing board of any such school district or town where such combined system of registration is in force shall, except as in this Part provided, continue to have the same authority as they had before the passage of this act in the conduct of elections in their respective municipal corporations; and the expense of establishing and maintaining such combined registration system shall be shared equally by such municipality, town and independent school district as shall have joined therein. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 4, §5.)

Reenactment of §393-19.

CHAPTER 5.—REGISTRATION OF ELECTIONS

601-2(5). Who may vote.—Except as hereinbefore set forth in this Part, the judges of election in any election district located in any town, village or city shall not receive the vote of any person at any election who does not have the necessary constitutional qualifications entitling him to vote at such election. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 5, §1.)

601-2(5)a. Oath to electors.—Any person desiring to vote at an election who shall satisfy the election board by proper and sufficient evidence that he is qualified to vote at such election in the district shall be allowed to vote at such election upon taking an oath that, under the constitution and laws of the state, he is entitled to vote at such election in such district. Any member of the election board may administer the following oath to any person appearing for the purpose of voting at such elections: "You do solemnly swear that you will fully and truly answer such questions as shall be put to you touching your qualifications as a voter under the constitution and laws of this state?" (Act Apr. 21, 1939, c. 345, Pt. 2, c. 5, §2.)

601-2(5)b. Determination of residence.—The election board, in determining the residence of any per-

son desiring to vote, shall be governed by the following rules, so far as they are applicable:

1. The residence of any person shall be held to be in that place in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he intends to return;

2. A person shall not be considered to have lost his residence who leaves his home to go into another state, or county in this state, for temporary purposes merely;

3. A person shall not be considered to have gained a residence in any county into which he has come for temporary purposes merely, without the intention of making such county his home;

4. If a person go into another state with the intention of making it his residence, he shall be considered to have lost his residence in this state;

5. If a person remove to another state with the intention of remaining there for an indefinite time as a place of residence, he shall be considered to have lost his residence in this state, notwithstanding he intends to return at some future time;

6. The place where a man's family resides shall be considered his residence, but if it be a temporary establishment for his family, or for transient purposes, it shall not be so considered;

7. If a man has his family living in one place and he does business in another, the former shall be considered his residence, but when a man has taken up his abode at any place with the intention of remaining there, and his family refuses to reside with him, then such place shall be considered his residence;

8. The residence of a single man shall be considered to be where he usually sleeps;

9. The mere intention to acquire a new residence, without the fact of removal, shall avail nothing, neither shall the fact of removal without the intention;

10. No person employed temporarily for the purpose of cutting timber, or in the construction or repair of any railroad, canal, municipal, or other work of public nature, shall acquire a residence in any district into which he came for such purpose; but this provision shall not be held to extend to station agents or sectionmen who permanently reside in such district, and in determining the right of any person employed by a railroad company or upon any public work to register or vote, all the members of the election board shall be satisfied that he is a bona fide resident of the district and not there for temporary purposes merely, and his unsupported affidavit shall not be held conclusive as to any fact necessary to entitle him to vote;

11. Any permanent inmate of a soldiers' home shall be considered a resident of the district in which the same is located. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 5, §3.)

Reenactment of §368.

601-2(5)c. Election registers.—Two election registers shall be provided by the county auditor or the clerk of the municipality, as the case may be, for each district. These election registers shall be kept and maintained in duplicate, and the judges shall have charge of these election registers. Every election register shall be headed by the designation of the district, shall contain one column headed "Name of Voter", one head "Residence", one headed "Voted, Primary Election", and one headed "Remarks", and shall contain the names of the voters in separate groups, in alphabetical order according to the first letter of the surnames, each letter of the alphabet to form one group, with not more than one group on any one page, and each group to be separately numbered, commencing with the numeral "1". As soon as the ballots of any voters shall have been deposited in the proper ballot boxes, the judges in charge of the election registers shall mark "Voted" or the letter "V" in a column therein prepared in the same line with the voter's name. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 5, §4.)

601-2(5)d. Disposition of registers.—On every day of election, when the canvass has been completed, one election register, kept and checked as in this chapter provided, shall forthwith be filed by the judges with the clerk of the municipal corporation, and the other election register shall be returned by the judges to the county auditor with the election returns. Such election registers shall be open at all times to public inspection without charge. (Act Apr. 21, 1939, c. 345, Pt. 2, c. 5, §5.)

**PART THREE
PRIMARY ELECTIONS**

CHAPTER 1.—GENERAL PROVISIONS

601-3(1). Date of primary elections.—On the second Tuesday in September preceding any general election, and seven weeks preceding any city election in cities of the first and second class, held for the purpose of electing city officers only, an election of nominees hereinafter designated as the "primary election" shall be held in each election district for the selection of party and other candidates for all elective offices within the state, to be filled at such election, except officers of towns, villages and cities of the third and fourth class, and members of school, park and library boards, in cities having less than 100,000 inhabitants, and except presidential electors. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 1, §1.)

Reenactment of §293.

601-3(1)a. Candidates to be chosen at primary election—Ballots, form—Nonpartisan ballots—Nominees.—Candidates for office shall be chosen at such primary election by voters of several political parties and not otherwise; provided, however, that the chief justice and the associate justices of the supreme court and judges of the district, probate and municipal courts, and all members of the state legislature, and all elective county officers and municipal officers in cities of the first and second class, shall be nominated upon separate non-partisan ballots, as hereinafter provided. Provided, further, that all qualified and duly registered voters may participate in the choosing of candidates for city office as provided for in the city charter of cities having home rule charters; the names of all candidates for nomination for the office of chief justice, associate justice of the supreme court, judge of the district court, probate and municipal court and all members of the state legislature, and all elective county officers, and all municipal offices in cities of the first and second class, shall be placed upon a separate primary ballot hereinafter designated as "ballot of candidates to be nominated without party designation".

No party or other designation, except as above, shall be placed on such ballot except as herein provided, nor shall any candidate filing for nomination on said ballot be permitted or required to state his party affiliation on said filing affidavit. All provisions of law relating to the nomination of party candidates as to the form of ballot, including rotation of names, the endorsement thereon, voting, marking ballots, counting, returning and canvassing results, shall apply to nomination of said officers, except that the tally books and returns shall be made separately, and except that non-partisan offices shall not be classified on the ballot or otherwise. Each voter shall be entitled to vote a non-partisan primary ballot without reference to his party affiliation.

The two candidates for nomination for each such nonpartisan office who shall receive the highest number of votes, ascertained as provided by this act, shall be declared the nominees and their names shall be placed upon the election ballot, without party designation, and when two or more persons are to be elected for the same office, at a general election running at large in a city, county district, or in this state, the non-partisan nominees to be placed upon the general election ballot shall be the number of candidates not

exceeding twice the number of such persons to be elected for the same office which shall receive the highest number of votes at such primary election; provided, however, that when only two persons file for the nomination for any non-partisan office, or not more than twice the number of persons to be elected to any non-partisan office file for the nomination thereof, their names shall not be placed upon the non-partisan primary ballot, but said persons shall be considered and shall be the nominees for such office and their names shall be placed upon the general election ballot as such non-partisan nominees. Nothing herein shall prevent the nomination of candidates by groups, individuals or so-called political parties which cannot be recognized as such, by certificate of voters to the number hereafter specified. The names of candidates nominated by certificates for offices herein above designated as nonpartisan shall have no party or other designation on the certificate or on the election ballot. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 1, §2.)

Reenactment of §294.

601-3(1)b. Affidavit of candidacy—Fees—Non-partisan ballots, petitions—Withdrawal of names.—Not more than 90 days nor less than 40 days before the primary election any person eligible and desirous of having his name placed upon the primary ballot as a candidate for chief justice or associate justice of the supreme court, judge of the district court, state or congressional office or member of the state legislature or a county office, shall file his affidavit with the secretary of state when to be voted for in more than one county, and with the county auditor when in a single county, stating his residence, that he is a qualified voter in the subdivision where he seeks a nomination, the name of his political party, if for a political party office, and the office for which he desires to be a candidate; and, if for a political party office that he affiliated with said political party at the last general election, and either that he did not vote thereat or voted for a majority of the candidates of said political party at such election and intends to so vote at the ensuing election; provided, that all candidates for office not enumerated above in this section shall file their affidavit as herein provided, not more than 90 days nor less than 40 days before said primary election. Upon payment by such candidate to the secretary of state of \$20.00, if for any office to be voted for in more than one county, or if for any office to be voted for in only one county, upon payment of \$10.00 to the county auditor thereof, the county auditor shall place the name of such candidate upon the primary election ballot in the ticket of the political party designated except where only one person has filed as a candidate for any one office in any one political party the name of such candidate shall not be placed upon the primary ballot but shall be considered and shall be the nominee for such office for the political party under which such candidate filed and his name shall be placed upon the general election ballot as the nominee of such political party for such office; provided, however, that candidates for the legislature shall pay \$10.00 only to the secretary of state when the affidavit or petition is filed with him and \$10.00 to the county auditor when filed with him; provided that the name of any eligible person may also be placed upon the non-partisan primary election ballot as a candidate for chief justice or associate justice of the supreme court or judge of the district court upon petition in writing of electors filed within the same time and at the same place and upon payment of the same fee as is provided in case of filing of affidavits by candidates as follows:

For chief justice or associate justice of the supreme court, upon petition of 500 electors residing within the state; for judge of the district court upon the petition of 250 electors residing within the judicial district. Such petition shall be in writing and signed by each of the electors joining therein and shall be by each of them acknowledged before an officer au-

thorized by law to administer an oath. Upon the compliance with such requirement, such names shall be placed upon the non-partisan primary election ballot. No petition shall contain more than double the number of signatures herein required and no officer shall receive for filing or file any petition containing more than double the number of signatures so required. Any person whose name is presented and filed may withdraw the same by filing an affidavit of withdrawal thereof in the same office in which such petition is filed. Provided, however, that each candidate for state offices, congressmen, and judges of the supreme court shall pay to the secretary of state the sum of \$50.00 each at the time of filing his affidavit with said officer; provided, however, that no such candidate shall be permitted to withdraw his name from the ballot unless he shall file an affidavit with the Secretary of State or with the County Auditor, as the case may be, requesting such officer to withdraw affiant's name from the ballot within eight days after the last day for filing for such office. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 1, §3.)

Reenactment of §297.
See §1664-103, post.

601-3(1)c. Married women may use the prefix Mrs.

—Any married woman who may hereafter file as a candidate for any public office under the laws of this state may use the prefix "Mrs." and the full name of her husband, or the initials of her husband's given name, in stating her own name on her affidavit of candidacy; and the proper state, county or municipal official in the preparation of the official ballot shall use such name as written on the affidavit of candidacy, in designating such candidate on said ballot. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 1, §4.)

Reenactment of §298.

601-3(1)d. Affidavits to be numbered—Fees, disposition.—The secretary of state and county auditor, respectively, shall number each affidavit and petition in numerical order as received. The auditor shall immediately pay to the county treasurer all fees received from candidates. Immediately after the last day for filing nomination affidavits or petitions, the secretary of state shall divide the amount of all fees paid to him by candidates equally between the counties within which such candidates are to be voted for, and certify such division to the state auditor, who shall issue warrants therefor on the state treasurer for the amount due to each county. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 1, §5.)

Reenactment of §299.

601-3(1)e. Election to be by ballot—Separate ballots—Nominees.—All voting at a primary election shall be by ballot. There shall be one ballot for all political party candidates, grouped by parties, and a separate ballot for all candidates to be nominated without party designation. On the twenty-fifth day before a primary election, the secretary of state shall certify to the auditors of the several counties the names of all nominees to be voted for within such counties whose certificates have been properly filed with him. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 1, §6.)

Reenactment of §300.

601-3(1)f. Nominees.—The persons certified by canvassing boards to be nominated, shall constitute the nominees of the several political parties or the nominees under the terms of a home rule charter, or the non-partisan nominees, as the case may be, to be voted for at the next ensuing general election, and their names shall be printed upon the official ballots prepared for the ensuing election. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 1, §7.)

Reenactment of §315.

601-3(1)g. Errors in ballots—Wrongful acts of officers.—Whenever it shall be made to appear by affidavit to any judge of the supreme court in the case of a state election, or of the district court in the case of a county election of the proper county, that an er-

ror or omission has occurred or is about to occur in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, county auditor, canvassing board, member thereof, or other person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, such judge shall order the officer or person charged with such error, wrong, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty, or forthwith show cause why he should not do so. Failure to obey the order of such judge shall be contempt of court. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 1, §8.)

Reenactment of §316.

601-3(1)h. Contests in primary elections.—Any candidate at a primary election desiring to contest the nomination of another candidate for the same office shall proceed in the manner prescribed for general election contests, and the same proceedings shall be had, so far as practicable, as for such contests. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 1, §9.)

Reenactment of §317.

CHAPTER 2.—NOMINATION BY CONVENTIONS

601-3(2). Political party conventions—Selection of committees.—Each political party shall provide a state central committee, a congressional committee for each congressional district, a county committee for each county, as provided by the constitution of such party; if such political party does not have a constitution, it shall be governed by the following manner:

(a) The nominees for state offices, senators and representatives in congress of each political party, shall meet on the second Thursday after the primary election at the state capitol at twelve o'clock noon, at which time they shall elect a state central committee, herein provided for, of such size as they shall at said time determine, and shall also elect a congressional committee for each congressional district, of such size as they shall at said time determine, the members of each congressional committee to be chosen from among the electors of the several congressional districts respectively.

(b) Each committee and its officers shall have the powers which have customarily been used by such committees and by the officers thereof, insofar as it is consistent with this act. The various committees and their officers now in existence, shall exercise the powers and duties herein prescribed until their successors are chosen in accordance with this act. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 2, §1.)

Reenactment of §318.

601-3(2)a. Delegate convention may nominate certain officers—Notice of primaries—Place of holding.—Candidates whose nominations are not required to be made by a primary election may be nominated by a delegate convention called for the purpose. The authorized county or city committee of any political party, at least 20 days before the time fixed for the election of delegates, shall give two weeks' published, and at least six days' posted, notice of primaries for the purpose of electing the number of delegates to which each district is entitled, and of the offices for which nominations are to be made. Except as otherwise especially provided, such primaries shall be conducted in accordance with the provisions of this act relating to primary elections, insofar as the same can be applied. All such primaries shall be held at the regular polling places, and those of each county on the same day, at an hour thereof between 2:00 and 9:00 P.M. appointed by the committee calling the convention, and shall be kept open for at least one hour. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 2, §2.)

Reenactment of §319.

601-3(2)b. State and district conventions—Call.—When the delegates so chosen are to form a convention for the election of delegates to a state conven-

tion or to that of a district of the state larger than a county, the political party convention of the several counties shall be held on the same day. Such state or district conventions shall be called by the authorized political party committee of such state or district, substantially as prescribed in Laws 1913, Section 362 [Mason's Minn. Stat. 27, §323], and the day for holding the county conventions shall be named in the call. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 2, §3.)

Reenactment of §320.

601-3(2)c. Officers of conventions—Election of delegates.—At the hour appointed for holding such primaries the chairman or secretary of the party committee of the district, or, if neither be present, some member of the party who is a voter in the district, shall call the meeting to order. Those present and qualified to vote at such election shall choose from their number, viva voce, a chairman, clerk, and two judges of the election. The delegates shall be chosen by ballot, and each may contain as many names as there are delegates to be elected from the district. If more be placed thereon, the ballot shall be void. Those receiving the highest number of votes shall be declared elected, and if there be a tie, the judges and clerk shall determine it by lot. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 2, §4.)

Reenactment of §321.

601-3(2)d. Conduct of conventions—Oath of officers—Voting.—The chairman shall preside, and may administer the oath to the judges and clerk and to those whose right to vote is challenged. Only those shall vote at the primary who affiliated with such political party at the preceding general election; but if any voter of the district shall satisfy the judges by his oath that he did not vote at the last general election or voted and affiliated with the political party holding such primaries at the last general election and intends to so vote and affiliate at the ensuing election, his vote shall be received. No person shall vote for the delegates of more than one political party in any calendar year. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 2, §5.)

Reenactment of §322.

601-3(2)e. Clerk to keep record—Election of delegates—Certificate of election.—The clerk shall keep a record of the proceedings of such primary, and may administer the oaths to the chairman. The judges shall receive and count the ballots of all having the right to vote at the primary, and none others. They shall record the names and addresses of all persons voting. Both judges and clerk shall subscribe the oath required of judges and clerks of elections. At the closing of the polls they shall count the ballots and report the same to the chairman, who shall publicly announce the result forthwith. The chairman and clerk shall then furnish each delegate elected with a certificate of his election, and transmit to the chairman of the committee calling the primary a list of the names and addresses of the persons who voted thereat. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 2, §6.)

Reenactment of §323.

601-3(2)f. Application of act.—The provisions of this chapter relating to conventions shall not apply to primaries in villages, towns, or school districts. The provisions relating to notice of delegate primaries shall not apply to the choice of delegates to a convention held to nominate candidates to be voted for at a special election, but such conventions, and the elections to choose delegates thereto, may be called and held in such manner, and at such times and places, as the proper political party committees may determine. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 2, §7.)

Reenactment of §324.

601-3(2)g. Filling of vacancies.—If an elected delegate for any reason fails to serve, his place shall be filled, from the voters of his party in his district, by the remainder of the delegation. If no such voter

be present at the convention, the delegates present may cast the full vote. And, if an entire delegation shall fail to attend, the convention may select qualified voters of the political party residing in the district, if such be present, to act in lieu thereof. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 2, §8.)

Reenactment of §325.

601-3(2)h. Certificates of nomination—Failure to deliver.—The certificate of nomination of a candidate selected by convention shall be signed and certified by the presiding officer and secretary thereof, who shall also take and subscribe an oath that the facts stated in the certificate are true; and the secretary shall immediately deliver such certificate of nomination to the officer charged with directing the printing of the ballots upon which the name is to be placed; and in case he shall neglect to do so, he shall be guilty of a misdemeanor. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 2, §9.)

Reenactment of §326.

CHAPTER 3.—NOMINATION BY PETITION OF VOTERS

601-3(3). Nomination by petition—Number of signatures.—The certificate of nomination of a candidate selected otherwise than by a convention of delegates shall be signed only after the holding of the regular primary election by electors resident within the district or political division from which the candidate is presented, as follows: If for a state office on a state ticket, equal to one per cent of the entire vote of the state cast at the last preceding general election; if for a congressional or judicial district office, by five per cent of the entire vote cast in any such district at the last preceding general election, and if for a county, legislative or municipal office, by ten per cent of the entire vote cast in any such county, city, village, ward or other election district at the last preceding general election. Provided, however, that the number of signatures required shall not exceed 2,000 for any state office, nor 500 for any congressional or judicial district, nor for any other office, provided that no persons shall be nominated by petition pursuant to this section for any office now or hereafter declared to be a non-partisan office, except in case of vacancy or death or withdrawal of a nominated candidate; and provided, further, that a person who has been a candidate for an office at the primary election in any year shall not be eligible for nomination for the same office in that year by petition or certificate under the provisions of this section. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 3, §1.)

Reenactment of §329.

601-3(3)a. Form of certificates—Presidential electors.—Such certificate of nomination, which may consist of one or more writings, shall contain the name of the person nominated, the office for which he is nominated, the party or political principle he represents, expressed in not more than three words, and his place of residence, with street and number thereof, if any. In case of presidential electors, the names of the candidates for president and vice president may be added to the party or political appellation. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 3, §2.)

Reenactment of §330.

601-3(3)b. Not to contain more than the name of one candidate.—All nominating certificates containing the names of more than one candidate shall be void. No person shall sign a certificate of nomination by voters until after the date of the primary election. No person who has voted at a primary shall be eligible as a petitioner for any nomination to an office for which nominees were voted upon at such primary. Nor shall any person join as a petitioner in nominating more than one candidate for the same office, unless more than one person is to be elected thereto; in which case, if eligible, he may petition for as many candidates therefor as there are persons to be chosen. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 3, §3.)

Reenactment of §331.

601-3(3)c. Contents of certificate.—Following the facts required to be stated in each certificate signed by voters, shall be written or printed an oath in the following form: "I solemnly swear (or affirm) that I know the contents and purpose of this certificate, that I did not vote at the preceding primary election, and signed the same of my own free will". Each signer, at the time of signing, shall be sworn as aforesaid. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 3, §4.)

Reenactment of §332.

601-3(3)d. Vacancies—Form of certificates.—If a vacancy occurs after nominations have been made it may be filled at any time before the general election by filing with the proper officer a nomination certificate in form and substance as hereinbefore provided, executed by the chairman and secretary of the proper committees of the political party whose voters make the original nomination, under the direction of such committee, and the chairman and secretary when so filing such certificate must attach thereto an affidavit to the effect that such candidate has been duly selected by said committee and that the persons signing said certificate and making such affidavit as such, are the duly authorized chairman and secretary of said committee. If there is no proper committee to fill such vacancy, as above provided, then in that event the person receiving the next highest number of votes for such office at such primary election shall be the candidate for such office and if there is no other candidate for such office and a vacancy exists by reason of this fact the vacancy may be filled by the proper officer, placing upon the ballot the name or names of such candidates as are nominated by petition in the manner provided in sections 1 to 4, inclusive, of this chapter. Provided that every registered voter of such political party who has qualified and participated in the primary election is eligible to sign a petition choosing a nominee to fill said vacancy. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 3, §5.)

Reenactment of §344.

601-3(3)e. Nominees of political parties—Non-partisan candidates.—The person receiving the highest vote at such primary election, as the candidate of any political party for an office shall be the nominee of that political party for such office. Candidates on non-partisan ballots receiving the highest and the next highest votes shall be the nominees for the office for which they are candidates; provided, however, that if the number of votes cast for any candidate of any political party for any office at such primary election shall aggregate the number of votes equal to ten per cent or more of the average vote cast for state officers of that political party at the last general election in the territory within which such candidates are to be voted for, then all candidates of that political party shall be the nominees of such political party; otherwise no candidate of that political party within that territory shall be nominated, and in such case, such candidates of such political party may be nominated by petition as provided by sections 1 to 4, inclusive, of this chapter, [601-3(3) to 601-3(3)c] and the candidates of any such political party failing to receive such ten per cent of such vote shall be eligible for nomination under the terms of this provision. The term "state officers", as used in this section for the purpose of computing the average vote to determine the ten per cent vote as above provided, is hereby defined to be the governor, lieutenant governor, secretary of state, state treasurer, and attorney general. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 3, §6.)

601-3(3)f. Original to be filed with the County Auditor where petitioner resides.—Whenever the nomination of a candidate to be voted for in any district larger than a single county is made by voters' certificate, the original thereof shall be filed with the auditor of the county where the candidate resides and such auditor shall certify as many copies thereof, if presented to him, as there are other counties in the district, one of which certified copies shall be filed

within the proper time with the auditor of each such county, and shall be authority for such auditor to place the name upon the india tint ballots. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 3, §7.)

Reenactment of §346.

601-3(3)g. Time of filing of petition—Vacancies.—No nomination for any office shall be made either by petition or otherwise within 30 days before the time of holding a general election, except nominations to fill a vacancy in a nomination previously made, or to nominate a candidate for an office in which a vacancy has occurred and for which no person is a candidate. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 3, §8.)

Reenactment of §508.

601-3(3)h. Where certificates of nomination should be filed.—Certificates of nomination shall be filed as follows: With the secretary of state, of the names to be placed on the white ballots, on or before the fifth Saturday preceding the day of election; with the county auditor, to be placed upon the india tint ballots, on or before the third Tuesday preceding the day of election; with the city clerk or other proper officer, to be placed on the red ballots, on or before the second Saturday preceding the day of election. In each case the officer with whom such certificate is filed shall give or send to the person filing the same an acknowledgment thereof upon the same day it is received, and shall file and preserve such certificates, subject to public inspection. No filing of any certificate shall be effectual unless at the time thereof the prescribed fee shall be paid or tendered to such officer. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 3, §9.)

Reenactment of §348.

601-3(3)i. Filling vacancies—Adhesive stickers.—If the ballots have been printed, the officer whose duty it may be to have such ballots prepared and printed, shall, if such ballots be still in his hands, attach to said ballots, over the name of the candidate who causes said vacancy, adhesive stickers containing the name only of the candidate selected under section 5 of this chapter. Should such ballots have been distributed before such vacancy occurs then and in that event said officer shall cause to be printed and distributed to the judges to whom the ballots have been distributed a sufficient number of adhesive stickers to correct the ballots as provided herein, and said judges shall correct said ballots as herein provided. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 3, §10.)

Reenactment of §345.

601-3(3)j. Designation of candidates nominated by petitions.—After the name of each candidate nominated by petition shall be placed the words "nominated by petition", and such other designation as may be now permitted by law, except that the word "non-partisan" shall not be placed after or to designate any candidate not duly nominated at a primary election on the non-partisan ballot. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 3, §11.)

Reenactment of §351.

601-3(3)k. Nominations—Cities of the first class—Ballots.—The separate primary election ballot of candidates for nomination for offices designated by Part Three, Chapter 1, Section 2, [601-3(1)a] as non-partisan shall be headed "ballot of candidates to be nominated without party designation". (Act Apr. 21, 1939, c. 345, Pt. 3, c. 3, §12.)

Reenactment of §352.

601-3(3)l. Same—Home rule charters—Nomination fees.—In cities of the first class operating under a home rule charter the city clerk shall, upon the payment of \$10.00, place on the city primary ballot prepared by him the names of all candidates for city offices, who have been duly presented for city offices in the form and manner prescribed by the city charter; in cities other than the first class operating under a home rule charter, the secretary of state, county auditor and city clerks shall place upon the ballots prepared by them, respectively, the names of all

candidates duly nominated, whose certificates of nomination have been duly filed, accompanied by fees, as follows:

- (1) If to appear upon the white ballot, except a candidate for United States Senator, \$50.00;
(2) If to appear upon the red ballot for a city of more than 3,000 inhabitants, \$5.00; if less, \$2.00;
(3) If to appear upon the india tint ballot, except in case of a candidate for congress, \$10.00 in case the candidate is to be voted for in one county only, otherwise, \$20.00; provided, however, that candidates for the legislature shall in all cases pay \$10.00, and candidates for county commissioner, whose compensation is less than \$300.00, shall pay \$5.00.

If no compensation be provided by law for the office or if the office be that of presidential elector, no nomination fee shall be required. (Act Apr. 21, 1939, c. 345, Pt. 3, c. 3, §13.)
Reenactment of §349.

PART FOUR
ABSENT AND DISABLED VOTERS

CHAPTER 1.—GENERAL PROVISIONS

601-4(1). Absent and disabled voters may vote by mail.—Any person entitled to vote at any general election, any primary election, any city election, or any village or town election in villages or towns operating under the "Australian Ballot System", who is absent on the day such election is held from the district in which he is entitled to vote, or who by reason of illness or physical disability is unable to go to the polling place of such district, may vote therein by having his ballot delivered by mail to the election board of such district on the day of such election, by complying with the provisions of this Part; provided, however, that no person residing in a municipality now or hereafter having permanent registration of voters as provided by this act shall be permitted to so vote unless he has registered as a voter in accordance with such provisions. (Act Apr. 21, 1939, c. 345, Pt. 4, c. 1, §1.)
Reenactment of §496.

601-4(1)a. Application for ballots.—At any time not more than 30 days or less than one day before the day of holding any election, any person may make application in writing subscribed by him to the auditor of the county in which he is a resident for ballots and envelopes, and at the time of making such application, he shall subscribe and swear to the oath hereinafter directed to be printed on the back of the application for ballots. Such oath shall be taken before an officer authorized to administer oaths and the jurat thereof shall be authenticated with the official seal of such officer, if he have a seal.

If the applicant for ballots be a resident of a city of the first, second or third class, the application for ballots shall be in the following form:

"APPLICATION FOR BALLOTS

The undersigned, a duly qualified and registered voter of the Precinct of the Ward of the City of (in case a ward constitutes an election district strike out the word 'Precinct') in the County of State of Minnesota, residing at (here insert street and number) in said city, because of (absence from the city), (illness), (physical disability), hereby makes application for the ballots to be voted upon in said district at the next election. Please mail said ballots and accompanying envelopes to me at (insert post office address to which to be sent)
Dated 19
(Signature of Applicant)"

If the applicant for ballots be not a resident of a city of the first, second or third class, the application for ballots shall be in the following form:

"The undersigned, a duly qualified voter of the (here insert name of town, village or other description of the district), residing at in the (Town, village or city of the fourth class) (because of absence from the city), (illness), (physical disability), hereby makes application for the ballots to be voted for in said district at the next election. Please mail said ballots to me at (here insert postoffice address to which to be mailed).
Dated 19
(Signature of Applicant)"

There shall be printed on the back of each of said forms the following: "This is to certify that ballots were mailed, delivered in person as per enclosed application, this day of 19

(County Auditor) (Municipal Clerk)
Per (Deputy)"

"OATH

County of S S
State of

I do swear that I am a citizen of the United States; that I am 21 years of age, and have been a legal resident of the State of Minnesota continuously during the six months last past; that I am an actual resident of the election district named in the within application; that on the day of 19 I will have legally resided therein for more than 30 days; that I do not intend to abandon my residence in said district prior to the day of 19; that at said time I will be a qualified voter in said district.

(Signature of Applicant)

Subscribed and sworn to before me this day of 19
(Signature of Officer)
(Description of Officer)
(Act Apr. 21, 1939, c. 345, Pt. 4, c. 1, §2.)
Reenactment of §497.

601-4(1)b. County Auditor to be supplied with ballots.—The several officers charged by law with the preparation, printing, and distribution of ballots shall at least 15 days before any election, print and deliver to the county auditor a sufficient number of the ballots printed under their supervision, respectively, to enable the auditor to comply with the provisions of this act. It shall be the duty of the county auditor to prepare and print the ballots prepared under his direction at least 15 days before such election. (Act Apr. 21, 1939, c. 345, Pt. 4, c. 1, §3.)
Reenactment of §498.

601-4(1)c. County Auditor to file applications.—If an application is made either in person or by mail more than 15 days before election, the auditor shall file the same and forthwith on the delivery to him of the ballots, shall mail to the applicant at the address specified in the application one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelopes hereinafter specified. If the application is made within 15 days of the election, he shall forthwith upon receipt of such application, mail, or deliver to the applicant, if he apply therefor in person, and fill out and sign the application blank specified in section 2 [601-4(1)a] of this chapter, one each of the several ballots the applicant is entitled to vote upon at the next election;

also the envelopes hereinafter specified. (Act Apr. 21, 1939, c. 345, Pt. 4, c. 1, § 4.)
Reenactment of § 499.

601-4(1)d. Fees—Expenses—Surplus.—The applicant for such ballots shall pay to the county auditor at the time he makes such application a fee of 30 cents. The money so received by said county auditor shall be kept in a separate fund and shall be expended by him in paying the expense of such extra clerical assistance as may be required for the performance by him of the duties imposed by this chapter; the cost of furnishing and printing the application blanks specified in Section 2 [601-4(1)a] hereof; the cost of furnishing and printing the envelopes and voters' certificate herein specified; the cost of postage both in forwarding and for the return of the ballots as herein specified and in delivering to the judges of the several districts in his county the applications after the same have been endorsed by him as herein specified. Any surplus of the moneys so received shall be paid into the county treasury and credited to the general revenue fund. (Act Apr. 21, 1939, c. 345, Pt. 4, c. 1, § 5.)
Reenactment of § 500.

601-4(1)e. Auditor may employ additional help.—Each county auditor is hereby authorized to employ such assistants, additional to those now authorized by law, as may be necessary to the carrying into effect of the provisions of this chapter, but the expense of such additional clerical assistance shall be paid only from the money derived from the fees aforesaid remaining after the payment of postage and the cost of envelopes and voters' certificates herein provided. (Act Apr. 21, 1939, c. 345, Pt. 4, c. 1, § 6.)
Reenactment of § 500.

601-4(1)f. Auditor to deliver ballots.—The auditor of each of the several counties shall mail or deliver to the applicant with the ballots two envelopes and a voter's certificate. One envelope shall be known as the "Return Envelope" and shall be sufficiently larger than the "Ballot Envelope" herein described, to conveniently enclose and contain the "Ballot Envelope" herein described. There shall be printed or written across the left hand end of said envelope by the auditor, before delivery thereof to the applicant, the words:

"Return Envelope
Postmaster to deliver on Election Day."
The auditor shall also cause said "Return Envelope" to be addressed to the "Judges of Election" in the district in which the applicant has certified in his application he is entitled to vote, such address shall be in substantial conformity to one of the illustrations herein set forth and as the facts may require, to-wit:

- "To the Judges of Election,
Seventh Precinct, Third Ward,
City of Minneapolis,
Hennepin County,
Minnesota."
- "To the Judges of Election, Rosedale Town.
.....
(Here insert name of postoffice nearest voting place)
Hennepin County, Minnesota."
- "To the Judges of Election, Village of Excelsior,
Excelsior, Hennepin County, Minnesota."

The auditor may vary any such form for addressing "Return Envelope" as the facts may require, but shall adopt such form of address as will insure the prompt delivery of such envelope and contents to the judges on election day.

The county auditor shall also affix to said "Return Envelope" postage stamps sufficient in amount to pay the postage on said "Return Envelope", after the ballot, ballot envelope and voter's certificate herein prescribed have been enclosed therein, from any post-office within the territorial limits of the United States, other than the overseas possessions of the United States to the place to which it is addressed. He shall also place thereon a ten cent special delivery stamp,

or if a special delivery stamp be not obtainable, additional postage stamps aggregating in amount to ten cents, in which latter case he shall also write or stamp on the addressed side of such envelope in a conspicuous place the words "Special Delivery".

There shall be printed on the back of said "Return Envelope" a certificate which shall be substantially in the following form, to-wit:

"This is to certify thatafter marking and enveloping the enclosed ballots as set forth in the enclosed certificate by me attested, enclosed the said ballot envelope in this return envelope in my presence without opening the said ballot envelope or permitting me or any other person to know or learn how he had voted as to any candidate or proposition and that this return envelope was sealed in my presence and after being sealed was deposited in my presence in the United States postoffice at....
.....without being opened.

Dated this day of, 19....

Attesting Witness."

The return envelope shall be so made as to open on the left hand end and the certificate above set forth shall be printed on the right hand three-fourths of the back of said envelope.

The auditor shall also furnish to the applicant with the ballots, a "Voter's Certificate", which certificate shall be substantially in the following form:

"VOTER'S CERTIFICATE

The undersigned hereby certifies that he is a qualified voter in the Precinct of the Ward of the City of County of State of Minnesota; (Strike out the word 'Precinct' if the ward or wards constitute an election district); that the ballots enclosed in the 'Ballot Envelope' were exhibited by me to the attesting witness named below before the same were marked by me; that at the time I so exhibited the same to said attesting witness there were no cross marks opposite the names of any candidate or propositions to be voted on; that thereafter I marked the same in the presence of said attesting witness, but in such a way that neither he nor any other person could see or learn for what candidates or propositions thereon I voted; that thereupon in his presence I folded said ballots and without showing the same to any person, enclosed the same in the 'Ballot Envelope' and sealed said 'Ballot Envelope'.

Dated at, this day of 19....

.....
Voter"

"CERTIFICATE OF ATTESTING WITNESS

I hereby certify that I have read the foregoing certificate and know the contents thereof and that the same is true.

Dated at, this.....day of....., 19....

.....
Attesting Witness

(Here write name of office or official character of attesting witness, such as postmaster, etc.)"

Printed on the back of the voter's certificate shall be the following directions to voters, to-wit:

DIRECTIONS TO VOTERS

(a) You may mark and mail your ballot at any place within the United States other than Alaska and the Island Possessions of United States.

(b) The ballot must be marked and sealed in the "Ballot Envelope" in the presence of an attesting witness, but in such a manner as to prevent such witness or any other person from knowing or learning how you have voted as to any candidate or proposition.

(c) After marking and enclosing ballot in the "Ballot Envelope" you and attesting witness must each sign your respective names to the "Voter's Certificates" and "Certificate of Attesting Witness".

(d) Do not put "Voter's Certificate" in "Ballot Envelope" but enclose same in "Return Envelope".

(e) Enclose "Ballot Envelope" and "Voter's Certificate" in "Return Envelope", seal the latter, have attesting witness sign certificate on back of "Return Envelope" and then deposit same in the United States Postoffice in presence of, or by the attesting witness.

(f) The ballot may be marked and mailed at any time after you receive it from the county auditor; it should, however, be marked and mailed so as to arrive at your voting place on or before election day. If not there by that day it will not be counted.

(g) The attesting witness who signs the voter's certificate must also sign the certificate on the back of the "Return Envelope".

(h) Any United States postmaster, assistant United States postmaster, United States postal supervisor, clerk in charge of a contract postal station, or any officer having authority to administer an oath or take an acknowledgment may be an attesting witness.

If a postmaster, or assistant postmaster, or postal supervisor, or clerk in charge of a contract postal station acts as an attesting witness, his signature on the "Certificate of Attesting Witness" should be authenticated by the cancellation stamp of their respective postoffices. If one of the other officers named acts as attesting witness his signature on the "Certificate of Attesting Witness" should be authenticated with his official seal. It is not necessary to thus authenticate the signature to the certificate on the back of the "Return Envelope".

(i) Remember that the officers above named are not bound to act as attesting witness for you, but if they do, do so only as a favor.

(j) Fold each ballot separately before placing it in "Ballot Envelope"; fold so that cross mark cannot be seen without unfolding, but so that facsimile signature of officer (secretary of state, county auditor or city clerk) under whose direction the ballot is printed and appearing on the back of the ballot, can be seen without unfolding the ballot. Do not put your name, initials or any other identifying mark on the ballot. (Act Apr. 21, 1939, c. 345, Pt. 4, c. 1, §7.)

Reenactment of §501.

601-4(1)g. Applications to be certified and sealed—Preservation and arrangement.—The county auditor on mailing or delivering to an applicant ballots as hereinbefore specified, shall sign or cause to be signed by his deputy, and dated the certificate printed on the back of the application for ballots and shall authenticate such certificate with his official seal. All applications shall be preserved by the auditor and arranged by him according to districts and the initial letter of the surname of the applicant. At the time he delivers the state and county ballots to the town, village and city clerks within his county, he shall also deliver to the respective town, village, and city clerks the applications theretofore received by him and endorsed by him. Such town, village and city clerks shall in turn deliver said applications so endorsed to the respective judges of the several districts. (Act Apr. 21, 1939, c. 345, Pt. 4, c. 1, §8.)

Reenactment of §502.

601-4(1)h. Voter may mail ballot.—Any qualified voter of any district of this state to whom ballots have been delivered by the county auditor, may mark and mail the ballots so delivered to him at any place within the territorial jurisdiction of the United States, exclusive of Alaska and the so-called island possessions of the United States, the same to be marked and mailed in the manner specified in the directions to voters, set forth in section 7 [601-4(1)f] of this chapter, and before an attesting witness belonging to

one of the classes specified in said directions to voters. (Act Apr. 21, 1939, c. 345, Pt. 4, c. 1, §9.)

Reenactment of §503.

601-4(1)i. Judges to receive and count ballots.—The judges in the several districts at any election shall receive all ballots delivered to them on election day by officers or employees of the United States post-office department in due course of the business of that department and as herein provided, and deposit the same in the appropriate ballot box provided that they are satisfied that the person is a voter in such district and entitled to vote therein at such election; provided, further, that the conditions precedent hereinafter set forth, exist. Ballots so deposited shall be counted, canvassed and returned in the same manner and shall be given the same force and effect as the votes of other duly qualified voters who vote in person.

Upon a "Return Envelope" being delivered to the judges they shall open the same in such a manner as not to cut or mutilate the contents or deface or damage the signature of the attesting witness on the outside thereof. They shall then take from the "Return Envelope" the "Voter's Certificate" and "Certificate of Attesting Witness"; they shall compare the signature of the "Attesting Witness" on the outside of the "Return Envelope" with the signature on the certificate enclosed therein and shall also compare the signature on the "Voter's Certificate" with the signature on the "Application for Ballots" delivered to them as provided herein. If the judges or a majority of them are satisfied that the signatures of the "Attesting Witness" on the outside of the "Return Envelope" is the genuine signature of the person that signed the "Certificate of Attesting Witness" enclosed in the "Return Envelope", and if the signature of such witness on said certificate shall be authenticated as prescribed in the "Directions to Voters" set forth in this chapter, and if the judges or a majority of them, shall be satisfied that the signatures of the voter subscribed to the "Voter's Certificate" is the genuine signature of the person who made the "Application for Ballots", the judges, or one or more of them shall write the word "Received" on such "Ballot Envelope" and under such word his or their name or initials, provided that in cities of first, second or third class such ballot shall not be so marked unless the voter mailing in such ballots has been theretofore duly registered in such district, nor shall said ballots be so marked with the word "Received" if it appears from the registration list that such voter has already voted at such election, either in person or by mail. If the ballots are not received for the reason that the voter has failed to comply with the requirements herein set forth or has previously voted at such election, then such "Ballot Envelope" shall be marked "Rejected" and placed in the "Return Envelope" with the Voter's Certificate" and placed with and returned to the county auditor with the unused ballots. No person who voted by mail as herein provided shall be permitted to thereafter vote in person in the same election.

If the "Ballot Envelope" is marked with the word "Received" as herein provided, the judges in charge of the register shall make an appropriate notation on the register of voters indicating that the voter has voted by mail; this shall be done by placing the letters "V. M." in the appropriate column opposite the voter's name.

The "Ballot Envelope" marked "Received" as afore-said shall be carefully kept by the judges until the closing of the polls on the election day, but before any of the ballot boxes are opened, at which time the said "Ballot Envelope" shall be opened and the ballots therein taken therefrom and deposited by the judges in the proper ballot box. If there be more than one ballot of any kind enclosed in said "Ballot Envelope", then and in such case neither of such ballots of such kind shall be deposited in the ballot box, but all such kinds shall be placed with the spoiled ballots and re-

turned as is provided for by law with reference to such spoiled ballots. The judges before depositing said ballots in the ballot boxes shall write their initials thereon in the same manner as is provided by law with reference to ballots delivered by them to voters voting in person. (Act Apr. 21, 1939, c. 345, Pt. 4, c. 1, §10.)

Reenactment of §504.

601-4(1)j. Clerk to notify postoffice of district addresses.—It shall be the duty of the clerk of each municipality having more than two voting districts therein to furnish to the postmaster of said municipality, at least two days before the day on which any election is held, a certified tabulated list of the polling places in each of the districts of said municipality, describing the same by ward and precinct number and opposite each such description shall be set forth the respective location by street and number, of such polling place, this for the guidance of post-office employees in delivering the "Return Envelopes". (Act Apr. 21, 1939, c. 345, Pt. 4, c. 1, §11.)

Reenactment of §505.

601-4(1)k. County Auditor to prepare and print applications.—The county auditor shall prepare and print a suitable number of blanks for the "Application for Ballots" described herein and deliver a copy thereof to any voter applying therefor. (Act Apr. 21, 1939, c. 345, Pt. 4, c. 1, §12.)

Reenactment of §506.

601-4(1)l. Violation a felony.—Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any "Application for Ballots"; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote in any district or to aid another in so doing shall be guilty of a felony. (Act Apr. 21, 1939, c. 345, Pt. 4, c. 1, §13.)

Reenactment of §507.

601-4(1)m. Disposition of fees.—In the case of city elections in all cities, or village elections in all villages operating under the "Australian Ballot System", voters' applications for ballots shall be filed with the city or village clerk, the fees required to be paid therewith shall be paid to the city or village clerk, and the duties prescribed in this Part for the county auditor shall be performed by the city or village clerk. The cost of carrying out the provisions of this Part for any such city or village election shall be paid by the city or village in which the same is held, and all fees received by the city or village clerk as herein provided shall be paid into the city or village treasury and credited to the funds appropriated or available for the expenses of such election. (Act Apr. 21, 1939, c. 345, Pt. 4, c. 1, §14.)

Reenactment of §508-1.

PART FIVE
PRESIDENTIAL ELECTORS

CHAPTER 1

601-5(1). Election of presidential electors.—Presidential electors shall be chosen at the general election held in the year preceding the expiration of the term of the President of the United States. (Act Apr. 21, 1939, c. 345, Pt. 5, c. 1, §1.)

Reenactment of §255.

601-5(1)a. Nomination of presidential electors.—Presidential electors for the several political parties of this state shall hereafter be nominated by delegate conventions called and held under the supervision of the respective state central committees of the several parties of this state. The names of the persons nominated, as presidential electors shall be certified to the secretary of state by the chairman of such convention for the office of presidential elector and shall be placed upon the general election ballot in the man-

ner now provided by law. (Act Apr. 21, 1939, c. 345, Pt. 5, c. 1, §2.)

Reenactment of §328.

601-5(1)b. Preparation of ballots.—When presidential electors are to be voted for the candidates of each party therefor shall be grouped and printed together, the names of each group to be arranged in the order in which they were filed. The secretary of state shall cause the names of the candidates of each political party to be printed in capital letters, set in six-point type, the names to be arranged in two columns. The political or party designation shall appear but once for each group, said designation following a scroll or bracket on the right, and immediately following this, in the center, shall be printed in bold type the surnames of the presidential and vice presidential candidates represented. To the right of, and on a line of such surnames, near the margin, shall be placed a square, in which the voter may indicate his choice by a mark (X), and one such mark opposite a group of presidential electors shall be counted as a vote for each elector in such group, the form for each group to be substantially as follows:

For Presidential
Electors

L. S. Whitcomb P. H. Harrington Dr. Geo. O. Orr Mons Mahlum Archibald M. Chisholm J. P. Holmberg Oluf Gjerset Mrs. A. C. Hinckley Dr. J. E. Campbell Mrs. M. W. Savage Mrs. Bertha Dahl Laws T. N. J. Reese	Republican	
	Coolidge and Dawes	

The relative position of the several groups shall be determined by the rules applicable to other state officers. The groups of electors shall be separated by a blank space one quarter of an inch in width and so arranged as to permit placing a cross (X) after each name, and no blank lines shall be printed therein as in the case of other candidates or groups. Above the names of the electors shall be printed in bold type, "Presidential ticket, vote once opposite group." The state ballot, with the required heading, shall be printed below the electors, with a blank space between one inch in width. (Act Apr. 21, 1939, c. 345, Pt. 5, c. 1, §3.)

Reenactment of §287.

601-5(1)c. State canvassing board.—The state canvassing board at its meeting on the second Tuesday after each such general election shall open and canvass the returns made to the secretary of state for presidential electors, and prepare a statement of the number of votes cast for the several persons receiving votes for said offices, and declare the person or persons receiving the highest number of votes for each office duly elected. When it appears that more than the number of persons to be elected as presidential electors have the highest and an equal number of votes, the secretary of state, in the presence of said board shall decide by lot which of such persons shall be declared elected. The governor shall transmit to each person so declared elected a certificate of election, signed by him, sealed with the state seal, and countersigned by the secretary of state; and immediately after said canvass is completed he shall cause a statement of their election to be published in one or more of the newspapers printed at the state capitol. (Act Apr. 21, 1939, c. 345, Pt. 5, c. 1, §4.)

Reenactment of §480.

601-5(1)d. Electors to meet at Capitol—Filling of vacancies.—Every presidential elector before 12:00 M. on the day next preceding that fixed by congress for

such electors to vote for president and vice president of the United States, shall notify the governor that he is at the state capitol, and ready at the proper time to fulfill his duties as such elector. The governor shall thereupon deliver to the electors present a certificate of the names of all the electors, and if any elector named therein fails to appear before 9:00 A.M. on the day, and at the place, fixed for voting for president and vice president of the United States, the electors then present shall, in the presence of the governor, immediately elect by ballot a person to fill such vacancy. If more than the number of persons so required have the highest and an equal number of votes, the governor, in the presence of the electors attending, shall decide by lot which of said persons shall be elected. (Act Apr. 21, 1939, c. 345, Pt. 5, c. 1, §5.)

Reenactment of §481.

601-5(1)e. Certificate of electors.—Immediately after such vacancies have been filled, the electors present originally chosen shall certify to the governor the names of the persons so elected to complete their number, and the governor shall at once cause written notice to be given to each person so elected to fill a vacancy; and the persons so chosen shall be presidential electors, and meet and act with the other electors. (Act Apr. 21, 1939, c. 345, Pt. 5, c. 1, §6.)

Reenactment of §482.

601-5(1)f. Electors to meet at State Capitol.—Such original and substituted presidential electors, at 12:00 M., shall meet in the executive chamber, at the state capitol, and then and there perform all and singular the duties imposed upon them as such electors by the constitution and laws of the United States and this state. (Act Apr. 21, 1939, c. 345, Pt. 5, c. 1, §7.)

Reenactment of §483.

PART SIX ELECTIONS

CHAPTER 1.—HOLDING OF ELECTIONS

601-6(1). Date of election.—An election, which shall be known and designated as the "general election", shall be held in the several election districts of the state on the first Tuesday after the first Monday in November in each even-numbered year. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 1, §1.)

Reenactment of §255.

601-6(1)a. Officers to be chosen.—All elective, state and county officers, judges of the supreme and district courts, members of the legislature, and representatives in congress shall be elected at the general election next before the respective terms thereof shall expire, and at the general election held in the year preceding the expiration of a term of a president of the United States [...] presidential electors shall also be chosen. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 1, §2.)

Reenactment of §255.

601-6(1)b. Elections in cities and villages.—Elections shall be held in cities and villages at the times provided by the laws and charters governing the time of holding such elections; and such officers shall be elected at such elections as the laws and charters governing such cities and villages shall provide. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 1, §3.)

601-6(1)c. Council may change date of election.—The council of any city of the first class operating under a home rule charter which provides for a biennial election on the first Tuesday in May of even-numbered years may, by resolution, change the date of such election to the last Tuesday in April of even-numbered years. Such resolution shall not become effective unless filed in the office of the secretary of state and in the office of the county auditor of the county in which such city is located not later than 60 days preceding such election. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 1, §4.)

Reenactment of §§255-1, 255-2.

CHAPTER 2.—SPECIAL ELECTIONS TO FILL VACANCIES

601-6(2). Special election to fill vacancy in office of United States Senate.—Upon failure to choose a senator in congress or upon a vacancy in said office the vacancy shall be filled for the unexpired term at the following biennial state election, provided said vacancy occurs not less than 60 days prior to the date of the primaries for nominating candidates to be voted for at such election, otherwise at the biennial state election next following. Pending such election the governor shall make a temporary appointment to fill the vacancy, and the person so appointed shall serve until the election and qualification of the person duly elected to fill such vacancy. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 2, §1.)

Reenactment of §340.

601-6(2)a. Governor to issue writ.—Every vacancy in the office of representative in congress or member of the state legislature, or in any other elective public office the filling of which is not otherwise provided for, shall be filled for the unexpired term by election upon the writ of the governor as provided by this act; provided, however, that if there will be no session of the congress or the legislature or other occasion for the exercise of the functions of the office, as the case may be, before the expiration of the term in which the vacancy exists or will occur, it shall not be necessary to fill the vacancy. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 2, §2.)

Reenactment of §270-1.

601-6(2)b. Vacancies in certain cases.—In any case where a vacancy in such office has occurred and the governor is informed thereof a sufficient time before the next general election to permit the giving of notice and the nomination of candidates therefor as hereinafter provided, and where there will be no session of the congress or the legislature or other occasion for the exercise of the functions of the office, as the case may be, before the time fixed by law for the final canvass of the general election returns for offices of the same kind as that to be filled hereunder the governor shall issue his writ directing that the vacancy be filled at such general election and that nominations be made therefor as hereinafter provided. In all other cases the governor, upon being informed of the existence of such a vacancy or of any contingency which will create a future vacancy in such an office, shall issue his writ directing that a special election be held to fill the vacancy and that nominations be made therefor as hereinafter provided. Two or more vacancies may be filled at the same election, and candidates therefor may be nominated at the same primary. Any special election or special primary under this act may be held on the same day as any other election or primary, using the same polling places and election officials, but with separate ballots and ballot boxes for the election or primary held hereunder except as otherwise hereinafter provided. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 2, §3.)

Reenactment of §270-2.

601-6(2)c. Writ shall issue within ten days in certain cases.—In any case where the congress or the legislature will be in session or there will be other occasion for the exercise of the functions of the office, as the case may be, so that a person elected as provided by this section could take office and exercise the functions thereof immediately after his election, the governor, forthwith after being informed of the existence of the vacancy or contingency causing a future vacancy, and in any event not more than ten days after receipt of such information, shall issue his writ calling the special election for the earliest possible time thereafter which will permit the giving of notice of such special election and the primary therefor as hereinafter provided, and in any event not more than 25 days after the issuance of the writ. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 2, §4.)

Reenactment of §270-3.

601-6(2)d. Issuance of writ.—In all cases other than those hereinbefore provided for, the governor shall issue his writ seasonably calling such special election for such time that the person elected may take office at the opening of the next session of the congress or the legislature or upon such other occasion as may next arise for the exercise of the functions of the office, as the case may be, and so that candidates may be nominated for such special election as hereinafter provided. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 2, §5.)

Reenactment of §270-4.

601-6(2)e. Candidates to be nominated in primaries.—Candidates for election to fill any such vacancy may be nominated at primaries and otherwise as hereinafter provided. In any case where the vacancy is to be filled at the next general election or at a special election to be held not less than seven days after the time fixed by law for the meeting of the county canvassing board for the regular primary election, and where the governor's writ can be issued a sufficient time before the regular primary election to permit the giving of notice and the filing of affidavits of candidates as hereinafter provided, the writ shall be so issued and shall direct that candidates may be nominated at the regular primary election, and thereupon candidates shall be so nominated. In all other cases the writ shall direct that a special primary for the nomination of candidates be held on a date therein specified not later than the seventh day before the election at which the vacancy is to be filled, and thereupon such a special primary shall be held as so directed. In the case of non-partisan offices, the two candidates receiving the highest number of votes at the primary election for each office to be filled shall be nominated; provided, however, that where there are two or more offices of the same kind and having the same term to be filled at the same election, the candidates twice as many in number as such offices to be filled receiving the highest number of votes shall be nominated. In the case of political party offices, one candidate for each office to be filled may be nominated at the primary for each political party, and the candidate of each political party receiving the highest number of votes at the primary for such political party nomination shall be nominated; provided, however, that where there are two or more political party offices of the same kind and having the same term to be filled at the same election, the candidates of each political party equal in number to the offices to be filled receiving the highest number of votes for such political party nominations shall be nominated. Provided, further, that in any case where the number of persons who have filed as candidates for any nomination does not exceed the number to be nominated, the persons who have filed therefor shall be nominated, and no primary shall be held to make such nominations. Candidates may also be nominated by petition or certificate of voters under the conditions and in the manner provided by the laws relating to such petitions or certificates, so far as applicable; provided, further, that in any case where the vacancy is to be filled at the general election and where candidates therefor are to be nominated at the regular primary election or at a special primary held not less than five days before the expiration of the time prescribed by law for filing nominating petitions or certificates for candidates for like offices at the general election, nominating petitions or certificates for candidates for such vacancy shall be filed within the time so prescribed, and in all other cases nominating petitions or certificates for candidates under this act shall be filed not later than the fifth day preceding the election at which the vacancy is to be filled. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 2, §6.)

Reenactment of §270-5.

601-6(2)f. Writ to be filed with Secretary of State.—Every writ issued by the governor under this act shall be forthwith filed with the secretary of state, who shall immediately transmit a certified copy there-

of by registered mail to the county auditor of each county in which candidates for the vacancy are to be voted upon. At least five days before the expiration of the time for filing affidavits of candidates specified in the writ, as hereinafter provided, the county auditor of each county concerned shall post a copy of the writ at his office and shall cause a copy thereof to be published once in a qualified legal newspaper published at the county seat. He shall also cause posted notice of the primary and of the election to be given in each district in the county in the manner provided by law at least five days before the primary and at least 12 days before the election. In any case where the primary is to be held on the seventh day before the election both may be included in the same notice, and in any case where either the primary or the election is to be held on the same day as any other election, notice of the primary or election to be held under this act may, if practicable, be included in the notice of such other election. No omission of or defect in any publication or posting of any such writ or notice shall invalidate any primary or election held under this chapter. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 2, §7.)

Reenactment of §270-6.

601-6(2)g. Candidates to file affidavits as in general election.—Candidates for nomination to fill a vacancy in any office at any primary under this chapter shall file their affidavits within the time hereinafter prescribed with the same officers and in the same manner and shall pay the same fees as provided by law for candidates for like offices at regular primary elections. In any case where such nominations are to be made on the regular primary election day and where the governor's writ can be issued in accordance with the provisions of this chapter a sufficient time before the close of the regular time for filing for like offices so as to permit the publication of the writ as hereinbefore provided, the writ shall be so issued, and shall state that such affidavits may be filed within the time prescribed by law for the regular primary election, and thereupon all such affidavits shall be so filed. In all other cases the writ shall state that such affidavits may be filed not later than the seventh day before the primary and thereupon all such affidavits shall be so filed. In any case where affidavits of candidates have been filed with the secretary of state, he shall certify the names of such candidates to the auditors of all counties in which they are to be voted upon within 24 hours after the close of the time for filing, and thereupon the filing fees received by the secretary of state shall be disposed of as provided by the laws governing regular primary elections. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 2, §8.)

Reenactment of §270-7.

601-6(2)h. Names on ballots—Blank forms—Sample ballots.—Only the names of candidates who have duly filed as hereinbefore provided shall be placed upon the ballots for any primary held under this chapter, and only the names of candidates who have been duly nominated as hereinbefore provided shall be placed upon the ballots for any election held under this chapter. Blank spaces for writing in names shall be provided upon such election ballots as upon general election ballots, but not upon such primary ballots. Except as otherwise hereinafter provided, the county auditor of each county concerned shall prepare special ballots for every election and primary to be held under this chapter. Such ballots shall be headed, "Special Election Ballots" or, "Special Primary Ballots," as the case may be, followed by the date of the election or primary. Immediately below the title of each office to be filled there shall be printed the words, "To fill vacancy in term expiring", with the date of expiration of the term and such other information as may be necessary to distinguish such office from any other office to be voted upon at the same election or primary. Otherwise such ballots shall conform, as

far as practicable, with the laws relating to ballots for general elections and regular primary elections, respectively. The county auditor shall post a sample of each such ballot in his office as soon as prepared and not later than four days before the election or primary, as the case may be, but need not publish any such sample ballot. In any case where candidates are to be voted for under this chapter on the general election day or are to be nominated on the regular primary election day, as the case may be, and where the canvass of the returns is to be made by the regular county canvassing board, as hereinafter provided, and where the ballots for such general election or primary, as the case may be, have not been printed when the names of the candidates under this chapter have been finally determined as herein provided, the county auditor shall place the names of such candidates upon the regular ballots used for like offices at the general election or primary, as the case may be, designating the office to be filled in the same manner as hereinbefore provided for special ballots. (Act Apr. 21, 1931, c. 345, Pt. 6, c. 2, §9.)

Reenactment of §270-8.

601-6(2)l. Election districts—Registration.—The election districts and officials for any special election or primary held under this chapter shall be the same as at the last preceding general election, unless changed according to law. In any municipal corporation where the permanent registration system is in force under this act, no person shall be allowed to vote at any such special election or primary unless registered under such system. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 2, §10.)

Reenactment of §270-9.

601-6(2)j. Returns of election.—The returns of any special election or primary held under this chapter shall be transmitted forthwith, when completed, to the county auditor of the county wherein such special election or primary is held and shall be canvassed on the next day other than a Sunday or a legal holiday following such special election or primary by the county canvassing board. When such primary is held on the regular primary election day, and such special election will not be held within seven days after the time fixed by law for the meeting of the county canvassing board for the regular primary election, the returns of such special primary shall be canvassed by the county canvassing board at their regular meeting. The returns of such special primary shall be made and canvassed, the results thereof declared and forthwith certified, and the successful candidates forthwith notified in the same manner as is provided for the regular primary election for offices of the same kind as those to be filled by such special election. When such special primary has been held on the regular primary election day, and such special election is to be held on the next general election day, the returns of such special primary shall be made and canvassed and the results thereof declared and certified together with the returns of the regular primary election for offices of the same kind as those to be filled at such special election: The county canvassing board shall determine and declare the results of such special election and certify and file a statement thereof in like manner as hereinbefore provided for such special primary. A certificate of election shall forthwith be issued to each person entitled thereto in the same manner and by such officers as is provided for a general election for offices of the same kind as those to be filled at such special election. When such special election is held on the general election day and the governor's writ has not required that such special election be held as a separate special election on such day, the returns of such special election shall be canvassed and the results thereof declared and certified together with, and in the same manner as, the returns of the general election for offices of the same kind as those

to be filled under such special election. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 2, §11.)

Reenactment of §§270-10, 270-11.

601-6(2)k. General election laws still govern.—Except as otherwise provided by this chapter, all such special elections and primaries, and all matters pertaining thereto, shall be governed by the laws relating to general elections and regular primary elections, and matters pertaining thereto, respectively, so far as such laws are applicable. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 2, §12.)

Reenactment of §270-12.

601-6(2)l. Changes in boundaries.—No change in the boundaries of any congressional or legislative district shall be effective as to any election to fill a vacancy in the representation therefrom when the term of the office which has become vacant commenced before such change was made. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 2, §13.)

Reenactment of §271.

CHAPTER 3.—NOTICES OF ELECTION

601-6(3). Secretary of State to give notice of state elections.—Between July 1 and September 1 in each election year the secretary of state shall cause to be delivered to the auditor of each county a notice, specifying all the officers whose certificates of nomination are issued by said secretary to be voted for throughout such county at the next general election; and each auditor, on receipt thereof, shall cause a notice to be delivered to each town, city and village clerk in his county of all officers to be voted for in said county at such election. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 3, §1.)

Reenactment of §260.

601-6(3)a. Posting of notices.—One notice shall be posted at least 15 days before the time of holding any general or primary election in each district by the several town, village and city clerks, stating the hours during which the polls will be open and the officers to be nominated or elected, as the case may be; provided, however, that no failure to give such notice shall invalidate a general election. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 3, §2.)

Reenactment of §§293, 353.

601-6(3)b. Village council to post notice of village elections.—The village council shall cause ten days' posted and may also cause two weeks' published notice of the annual village election to be given, specifying the time and place thereof, the offices to be filled, and the questions, if any, to be determined by vote. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 3, §3.)

Reenactment of §1163.

601-6(3)c. City clerk to give published and posted notice of city primary election.—The clerk of any city of the third class shall give one week's published and posted notice of the city primary election. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 3, §4.)

Reenactment of §1672.

CHAPTER 4.—ELECTION DISTRICTS

601-6(4). Election districts designated by council or town board.—Each town, each village that is separated from the town for election purposes, and each city ward, shall constitute at least one election district. No district, when first formed, shall contain more than 700 voters, and the council or town board shall so divide, consolidate, and re-arrange the districts from time to time that the number of voters in each shall be substantially equal, and not to exceed 700. All such changes shall be made by resolution adopted at least 90 days before the next ensuing election and 60 days' posted notice thereof shall be given before the change shall take effect. Provided, however, that in cities of the first class operating under a home rule charter, the council thereof may prescribe the boundaries of the districts and the number of voters therein.

Provided, further, that when a city or village is so platted as to be situate in two adjoining counties, the council of such village or city may, by resolution adopted at least 30 days prior to any election, designate a single voting place in said city or village in which election for the entire city or village shall be held and one set of election officials presiding thereat shall be sufficient; provided, however, that a separate ballot box for each district shall be furnished, in which the votes of such district shall be deposited and separate record kept thereof. When such single voting place has been so designated, it shall so continue until changed by resolution of said council adopted at least 30 days prior to a subsequent election. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 4, § 1.)

Reenactment of § 258.

601-6(4)a. Election districts in unorganized territory.—Whenever any part of a county is not organized into towns, the county board, at their meetings in either January or July, upon the petition of not less than ten legal voters residing more than ten miles from the polling place in any established district, shall create and establish out of such unorganized territory an election district, and designate a polling place therein at such point as will be most convenient for the persons residing in said district, but no such polling place shall be located within ten miles of any other existing polling place. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 4, § 2.)

Reenactment of § 774.

601-6(4)b. Division of wards.—When a ward is divided the council shall make a map or description of each division, defining it by known boundaries, and file the same with the clerk, who shall keep the same open for inspection at all times. Such council shall furnish copies thereof to the judges for use at elections. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 4, § 3.)

Reenactment of § 259.

CHAPTER 5.—POLLING PLACES AND THEIR EQUIPMENT

601-6(5). Polling places to be designated by council or other governing body.—The council of every municipality shall, by ordinance or resolution, and any town may, by vote, designate the place of holding the election in each district; otherwise the election shall be held as near as may be at the place where the preceding election was held, subject to change before the opening of the polls as provided by law; provided, however, that in villages and in cities of the fourth class, now or hereafter having two or more districts, the council of such municipality may, by ordinance or resolution, provide for the holding of all elections in such village or city in some building centrally located therein and the voters of said village or city may vote at such place so designated, irrespective of whether the voting place is actually located in their district or not. At such place so designated there shall be provided separate statutory voting facilities for each district, and the voting shall otherwise be conducted in the same manner as though the voting places were located in the respective districts. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, § 1.)

Reenactment of § 354.

601-6(5)a. Town board to designate polling places.—When any town board has divided the town into two or more districts, such board shall designate the place for holding elections in each at least 30 days before election day, and cause at least 25 days' posted notice to be given in each district of the boundaries of the district and the place of holding the election. Provided, however, that in all cases where, by reason of streams, lakes, lack of highways or bridges, the polls designated for elections in a town are not accessible to 20 or more voters thereof by traveling along a public road for a distance of less than ten miles, the town board may divide or arrange such town into two or more districts, and the voting place in each district

shall be as centrally located within said district as circumstances permit. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, § 2.)

Reenactment of § 355.

601-6(5)b. Town board to designate place of town meeting or election.—In any town in this state not owning a town hall and which town does not hold its annual town meeting or election in a city or village, the town board shall, 20 days before any annual town meeting or election, designate a suitable place in said town for holding such annual town meeting or election. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, § 3.)

Reenactment of § 1030.

601-6(5)c. Town board must secure building.—When ordered by the voters at the town meeting, or upon petition of the majority of the voters of the town, the town board shall procure a suitable hall or building in any village or fourth class city located in whole or in part within said town for the purpose of holding their elections. Posted notice of such change shall be given at least four weeks before the next election. Said town shall have the power to purchase and own necessary real estate in such village or city for such purpose; provided, however, that no village or city election shall be held on the same day as the town election is held in the hall or place so procured by said town for election purposes. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, § 4.)

Reenactment of § 356.

601-6(5)d. Judges may change polling places in certain cases.—When any place designated for holding an election is found not to comply with the provisions of this act, the judges, on or before the opening of the polls on election day, shall procure a suitable place, subject to the approval of the city, town or village clerk, as near the designated place as may be, which is not subject to such objection, and shall notify the city, town or village clerk at once of such change. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, § 5.)

Reenactment of § 403.

601-6(5)e. Judges to announce changes in polling places.—When a change of the place of election has been determined upon, the judges shall meet at the place first designated and, after filling any vacancies in the number, adjourn to the new place selected, first publicly announcing the change to the electors present and posting in a conspicuous place at said first designated place a notice of the change made by them. They shall also post a similar notice at the new voting place. They shall certify to the proper authorities the expenses attending such change, which shall be allowed and paid as part of the election expenses. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, § 6.)

Reenactment of § 404.

601-6(5)f. Polling places not to be in saloon or bar room.—No election shall be held or appointed to be held in any saloon or bar room, or in any room used or occupied as a place of resort for idlers or disreputable persons, or in any room adjoining either. Nor shall such election be held in any room wherein the requirements of this act relative to booths, railings and distances cannot be substantially complied with. Such polling places in all cities shall be upon the ground floor, in a front room, the entrance to which is upon a highway or public street at least 40 feet wide and as near to the center of the voting population of the district as is practicable.

Provided, however, that in cities of less than 20,000 inhabitants polling places conveniently and clearly accessible may be in the second story of buildings complying in all other respects to the provisions of this act.

Provided, further, that in cities of more than 50,000 inhabitants in which a soldiers' home is located, said cities shall be empowered and authorized to establish a polling place for elections at the soldiers' home therein located. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, § 7.)

Reenactment of § 402.

601-6(5)g. National flag to be displayed.—The governing body of every city, village, and town shall cause the national flag to be displayed on a suitable staff over each voting place therein during all the hours of voting. The cost thereof shall be included in the general election expenses. The judges shall see that the flag is so placed and displayed, and wilful failure on their part so to do shall cause a forfeiture of their compensation for the time of such failure. They shall make a statement as to the number of days the flag was so placed and maintained, and return the same with the election returns. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, §8.)
Reenactment of §364.

601-6(5)h. Size of polling place—Booths and other equipment.—Each polling place shall consist of a single room, containing at least two booths for every 100 voters registered. Each booth shall be six feet high, three feet deep, and at least two feet wide, with a shelf, at least one foot wide, extending from side to side at a convenient height for writing, and be provided with a door or curtain so that the voter may be free from observation while marking his ballot. It shall at all times when in use be provided with cards of instruction, an indelible pencil, and other supplies needful in marking the ballots. The boxes, booths, judges and clerks shall be in open public view. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, §9.)
Reenactment of §405.

601-6(5)i. Duties of peace officers.—The peace officer shall keep order and quiet at the polling places. During the voting hours no persons other than those receiving, marking and depositing ballots shall be permitted to approach within six feet of the booths, unless by consent of the judges, given by authority of law. Special peace officers may be appointed by the judges when necessary. Any person guilty of riotous or disorderly conduct shall be arrested, upon refusal to desist when warned. No peace officer shall remain in the voting room unless so ordered by the judges, nor interfere in any manner with the voters. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, §10.)
Reenactment of §406.

601-6(5)j. Use of intoxicating liquors at polling place to be misdemeanor.—Any person introducing in any way upon any election day into a place where an election is being held any malt or spirituous liquors, and any judge or clerk, constable or challenger drinking any such liquors in such place, or being intoxicated therein, upon any election day, shall be guilty of a misdemeanor. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, §11.)
Reenactment of §274.

601-6(5)k. Voters may not be molested.—All voters shall be allowed to go to the polling room for the purpose of voting and to return therefrom, without molestation, but neither voters nor others shall be allowed to congregate in any number within 100 feet of any polling room. In cities of the first, second and third classes, only election officers and voters who are ready to vote, but who have not voted, shall be permitted to stand within 50 feet of the entrance to a polling place. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, §12.)
Reenactment of §419.

601-6(5)l. Ballot boxes.—Each polling place shall be provided with one white, one pink, one india tint, and one red ballot box. As many of these ballot boxes shall be used at any election as there are kinds of ballots to be voted. Each box shall be of sufficient size, and with a sufficient aperture, to receive and contain all the ballots likely to be placed therein. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, §13.)
Reenactment of §405.

601-6(5)m. Secretary of State to furnish blanks.—At least 15 days before every state election the secretary of state shall transmit to each county auditor a sufficient number of suitable blank forms for lists,

registers and affidavits, and such other blanks as are required in preparation for the conduct of such election; also copies of this act or of so much thereof as pertains to the duties of election officers. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, §14.)
Reenactment of §261.

601-6(5)n. Secretary of State to furnish uniform instructions.—Uniform instructions to voters, printed in large type upon cards or heavy paper, shall be furnished by the secretary of state to the auditor of each county, containing such information as will enable the voters quickly and correctly to designate their choice. Such cards shall be sufficient in number to allow two for each district; and the auditor shall deliver such cards to the city, village and town clerks in his county, who shall cause one to be posted on the outside of the building in which the voting takes place. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, §15.)
Reenactment of §272.

601-6(5)o. Auditor to send out election supplies.—The auditor shall, at least one week before every state election, send by registered mail or express to the clerk of each town, each village that is separated from the town for election purposes, and each city in his county, and to the judges of election districts created and established out of territory in such county not organized into towns the necessary copies of each of such blanks and forms as are required in preparation for the conduct of such election, printed instructions to voters, together with two copies of the law relating to elections for each election district, also sufficient quantities of the necessary official ballots, ballot boxes, registers, and other supplies and material so that such clerks and the judges of such election districts may comply with the provisions of this act. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, §16.)
Reenactment of §§261, 280, 281.

601-6(5)p. One of the judges to secure supplies.—Before 9:00 P. M. on the day preceding an election, at least one judge shall procure the election registers, supplies, etc., provided for in this act from their legal custodian. The custodian of the ballot boxes and ballots shall deliver the same to the judges of the respective districts together with their keys, stationery and material required at such election. The judges shall be responsible for the safe keeping of said election registers and ballots unaltered, and shall have all such ballots, ballot boxes, election registers, printed instructions to voters, and materials at the polling places in their respective districts at the opening of the polls on the day of election. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, §17.)
Reenactment of §407.

601-6(5)q. Custodian of ballots to deliver them to polling places.—In case neither of the judges appears at the office of the custodian of the ballots, as provided in section 17 [601-6(5)p] of this chapter, he shall forthwith send to the proper district the ballots therefor, securely wrapped, tied and sealed, by special messenger, who shall forthwith deliver the same to such judges, or one of them; or if unable to do so, he shall deliver them at the polling place at the hour for opening the polls. He shall take a receipt for such ballots and promptly file the same with such custodian, together with his affidavit stating when, where, and to whom he made such delivery. Such judges, and each of them, shall be chargeable with all expense incident to such delivery and report, together with mileage, the same as allowed to sheriffs for serving process, but nothing herein shall relieve any such judge from the penalty provided by law for neglect of duty. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, §18.)
Reenactment of §408.

601-6(5)r. Shall replace stolen or destroyed ballots.—If the ballots are not delivered, or are stolen or destroyed and sufficient regular ballots cannot seasonably be had, the county auditor or other proper official shall cause other ballots to be immediately

prepared as nearly in the form prescribed as practicable, with the word, "Substitute" printed in brackets immediately over the word "Official Ballot," as endorsed on regular ballots, and, when practicable, with the facsimile signature of the officer preparing the same, accompanied by his affidavit that the same have been so prepared and furnished by him, and that the original ballots have not been received, or have been destroyed or stolen, as the case may be. The judges shall cause such substituted ballots to be used at the election. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, §19.)

Reenactment of §409.

601-6(5)s. Unofficial ballots may be used in certain cases.—When no official or substitute ballots are ready for distribution at any polling place, or if the supply be exhausted before the polls are closed, unofficial ballots, printed or written as nearly as practicable in the form of the official ballots, or of any ticket or tickets forming a part or parts thereof, may be used until substitutes prepared by the proper official can be printed and delivered; and the fact shall be certified and accompany the returns of election. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 5, §20.)

Reenactment of §410.

CHAPTER 6.—JUDGES AND CLERKS OF ELECTION

601-6(6). Judges in town elections.—The members of the town board shall be judges in the districts in which they respectively reside, unless all belong to one political party, in which case not more than two, determined by lot unless otherwise agreed upon, shall act as judges. No member of such board shall be compelled to serve as judge, and if any decline they shall notify the town board in time to fill the place by appointment. Whenever for any reason it becomes necessary to appoint one or more judges in order to provide three judges for each district, such town board shall appoint the number required from resident qualified voters therein, and cause posted notice thereof to be given in each district at least ten days before the election. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 6, §1.)

Reenactment of §358.

601-6(6)a. Judges in municipalities except cities of the first class.—The council of each municipality, except cities of the first class, at least 25 days before any election, shall appoint three qualified voters of each district therein to be judges of election. In villages having but one district, and not included in any town, the members of the council shall be judges, subject to the qualifications and restrictions provided for members of town boards in like cases. In cities of the first class judges and clerks shall be appointed by the city clerk at least 25 days before an election from a list of qualified voters in each district certified by the civil service commission of the municipality. At least 60 days before an election said civil service commissioner shall receive applications on verified forms prepared by it from persons qualified to act as such judges and clerks in which application said applicant shall state his party affiliation, and said commission shall conduct such inquiry, investigation and examination as it deems necessary to establish the qualifications of the applicants. Said commission shall set up such rules and regulations as it deems necessary for carrying out the provisions of this act. At least 30 days before an election such civil service commission shall certify to the city clerk a list of such persons in each district who have satisfied said commission of their qualifications to act as judges and clerks. Said commission shall certify the names of two persons having the highest rating from each political party for each district. From said certified list said city clerk shall appoint three judges (and two clerks provided that no more than two judges and one clerk shall belong to the same political party; provided, further, however, that if there be not two qualified persons in each political party for each said district, then in that event said commission shall

certify those having the next highest rating without regard to party affiliation in order that six persons may be certified for each said district. Should the list certified by said civil service commission not contain the names of sufficient qualified persons in each election district, the city clerk shall appoint a sufficient number of qualified voters of the district to act as such judges and clerks. Vacancies in the office of judges and clerks shall be filled by the city clerk from the list certified by said civil service commission. Said commission shall certify additional names to the city clerk when the eligible list for any election district is exhausted. No two election judges and/or clerks shall reside in the same building. No two judges or clerks in any district shall bear the relationship to each other of husband and wife, parent or child or brother or sister, nor shall they bear that relationship to any candidate for election, or any officer or employee of such city. No city official or employee shall act as judge or clerk. Any person appointed as a judge or clerk under this act shall not acquire any right or status as a regular city employee.

This section shall not apply to any city of the first class while there is in effect a resolution adopted within 60 days after the passage of this act by a majority vote of the governing body of said city electing not to accept or come under this section, in which event the council of such city of the first class shall appoint three qualified judges of each district therein to be judges of election. Said council shall appoint the judges from that number of citizens who have made application therefor and the council may require that they designate their party affiliations thereon. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 6, §2.)

Reenactment of §359.

Judges of election in city of Jackson should be appointed 25 days before regular and special city elections in accordance with this section. Op. Atty. Gen. (64f), July 5, 1939.

601-6(6)b. Judges to appoint clerks.—Except in cities of the first class, the judges in each district shall appoint two qualified voters therein as clerks. In towns, the town clerk, and in villages having but one district and not included in any town, the village clerk, shall serve as one of the clerks in the district where he resides. No more than two judges and one clerk shall belong to the same political party, and no person shall be eligible as judge or clerk unless he can read, write and speak the English language understandingly, nor if he be a candidate for any office. No two judges or clerks in any one district shall bear the relationship to each other of husband and wife, parent or child, brother or sister. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 6, §3.)

Reenactment of §360.

601-6(6)c. Committees of political parties may furnish list.—At least 30 days before an election in any municipal corporation having two or more districts, the local committees of the several political parties participating in the preceding election may furnish to the appointing authorities a list of qualified voters, certified by the clerks of the committees, to act as judges in the several districts. Such judges shall be selected for each district from the lists so submitted as follows: The first from the list of the political party polling the largest number of votes in the municipal corporation at the preceding general election, the second from that of the political party polling the second largest number of votes, and the third from that of the political party polling the third largest number. If the local committee of any political party fails to furnish such list, then one judge shall be selected from the political party polling the fourth largest number of votes at such preceding election, if a list has been furnished by such political party. In case three lists are not submitted, they shall select one from each list submitted and make their own selection of the remainder, except that in no case shall more than two judges be selected from

the same political party. The provisions of this section shall not apply to cities of the first class. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 6, §4.)
Reenactment of §363.

601-6(6)d. County boards to appoint judges in unorganized territory.—The county board, at least 20 days before an election, shall appoint judges for each district in unorganized territory, and thereupon cause notice to be posted in at least three of the most public places in such territory, containing a complete list of all such districts, with the names of the several judges therein. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 6, §5.)

Reenactment of §775.

601-6(6)e. May appoint relief judges in certain cases.—The governing body of any municipal corporation, except cities of the first class, may, by resolution adopted not less than 15 days prior to any election, appoint relief judges in any district which shall be known as the "Counting Board", and whose duty it shall be to count the ballots cast in such district at any election and make returns thereof. The provisions of this act relative to the appointment, qualifications, privileges, powers, duties and oaths of office of judges shall apply with like force and effect to members of any such counting board, insofar as the counting of the votes cast at, and the making of returns of, any election are concerned. In any district for which a counting board has been provided the duties of the judges who have conducted the election during the day shall cease on the closing of the polls and the counting board shall thereupon assume charge and control of the place of voting, the ballot boxes, the ballots and all other supplies and equipment of said polling place, and shall proceed with the counting of votes. Such relief judges shall, when appointed, be equal in number to the regular judges, and shall appoint relief clerks equal in number to the regular clerks. Such counting board and clerks shall receive the same compensation and perform all duties required by this act to be performed after the closing of the polls at any election by the judges in a district not having a counting board as provided in this section. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 6, §6.)

Reenactment of §§359-1 to 359-6.

601-6(6)f. Eligibility of judges.—No person while receiving compensation from the United States, the state or from any county, any city of the first, second or third classes, or from any village now or hereafter having more than 10,000 inhabitants, as an officer or employee thereof, shall be eligible to serve as a judge or clerk at any election in this state where the laws provide for the payment of compensation to such judges and clerks for their services as such; and no person, who is the husband, wife, parent, child, brother or sister of a candidate for an elective office, shall be eligible to serve as judge or clerk in any district in the state. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 6, §7.)

Reenactment of §361.

601-6(6)g. May fill vacancies in judges.—When any one of the judges fails to attend at the time and place appointed for holding an election, within 30 minutes after the opening of the polls, or after entering upon the discharge of his duties, becomes unable, or for any reason fails, to complete the performances of his duties, or if either be a candidate at such election or refuses to act, the remaining judges and clerks of the district shall elect some qualified person from the district to fill such vacancy. When any clerk is absent, disqualified, or refuses to act, the judges shall appoint some qualified voter to act in his place. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 6, §8.)

Reenactment of §365.

601-6(6)h. Judges may fill vacancies.—When any clerk, after entering upon the discharge of his duties, becomes unable, or for any reason fails, to complete

the performance of his duties, the judges may appoint another in his place, who shall take the required oath. The fact of his appointment, the time when and circumstances under which it was made, shall be noted in the election registers, if the polls have not been closed, and, if closed, all of the same shall be certified with the returns; and such statement shall show the work done and to be done at the time of such appointment. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 6, §9.)

Reenactment of §414.

601-6(6)i. Oath of judges and clerks.—Before any judge or clerk enters upon the discharge of his duties, he shall subscribe the following oath: "I, (judge) (clerk) of election, do solemnly swear that I will perform the duties of (judge) (clerk) of election according to law and the best of my ability and will studiously endeavor to prevent fraud, deceit and abuse in conducting this election, so help me God". Such oath shall be affixed to the election register provided for by law. If there be no person present authorized to administer oaths, the judges may administer it to each other and to the clerks. Such judges, subsequent to the opening of the polls, shall constitute the election board. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 6, §10.)

Reenactment of §362.

601-6(6)j. Additional judges and clerks.—For general elections in cities of the first, second and third classes one additional judge and two additional clerks to be known as ballot judge and clerks may be appointed in any district, and vacancies in their number filled in the same manner as in case of other judges and clerks. Not more than two of the four judges, nor more than two of the four clerks, shall belong to the same political party. In cities of the fourth class, and in villages and towns, such ballot judge and clerks shall be appointed whenever the governing body thereof, at least 30 days prior to the election, shall so order. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 6, §11.)

Reenactment of §§366, 456.

601-6(6)k. Duties of ballot judges.—Such ballot judge shall be in attendance at the opening of the polls, and serve until the votes are counted. He shall receive the ballots from the regular judges, and, in their issue to voters, act in place and perform the duties of the regular judge in charge of the ballots. Such judge and one of the regular judges, not a member of the same political party, shall place their initials on the back of the ballots, instead of two regular judges. When a challenge is interposed, it shall be referred to the regular election board, and no ballots shall be issued until the same has been determined. The ballot judge shall also have charge of the door, and see that voters retire promptly to the booths. The ballot clerks shall not act during the election, but be present at the hour of closing the polls and assist in counting the ballots and making the returns, as provided by law. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 6, §12.)

Reenactment of §457.

601-6(6)l. Canvassing and counting ballots.—The ballot judge and one of the regular judges, not of the same political party, and the ballot clerks, shall canvass and count the white and pink ballots and make out the returns therefor, and the other judges and clerks the india tint ballots. When there is a red box, unless special judges and clerks have been appointed for that purpose, the ballots therein shall be canvassed and counted, and the returns made out by the canvassers first completing their other work; or the canvassers may relieve one another, as they see fit. In every case the memoranda provided for in this act shall be kept, the canvassing and counting done, and the returns made, the same as where no ballot judge or clerks are appointed; and all the judges and clerks shall sign the returns. Each poli-

tical party shall be entitled to one watcher for each set of canvassers. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 6, §13.)

Reenactment of §§457, 460.

601-6(6)m. Qualifications of judges and clerks.—Ballot judges and clerks and special judges and clerks shall have the same qualifications and receive the same compensation for like services as regular judges and clerks, and be subject to like penalties. They shall deliver all returns made by them, and all election supplies, to the regular election board, and such board shall thenceforth proceed in all things as though no additional judges or clerks had been appointed. No such additional judges or clerks shall be employed at any except a general election. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 6, §14.)

Reenactment of §461½.

601-6(6)n. Violation a misdemeanor.—Any person, who serves as judge or clerk in violation of any of the provisions of this act, shall be guilty of a misdemeanor. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 6, §15.)

CHAPTER 7.—PREPARATION, PRINTING AND DELIVERY OF OFFICIAL BALLOTS

601-6(7). Printing of ballots.—All ballots shall be printed as hereinafter prescribed, except where voting machines have been provided. At least three weeks before any general election, the secretary of state shall mail to the auditor of each county, sample copies of the official state ballots, and at least two weeks before such election the auditor shall cause one week's published notice to be given of the contents of the official state and county ballots. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §1.)

Reenactment of §275.

601-6(7)a. Form and color of ballots—White ballots.—There shall be one ballot on plain white paper, called in this chapter the "white ballot", upon which the names of all candidates for offices to be voted for throughout the state shall be printed. It shall be prepared under the direction of the secretary of state, and bound in blocks of 50; and a sufficient number thereof to enable the clerks to comply with the provisions of this act shall be by him forwarded by express to the auditor of each county at least 15 days before the general election, and receipts, stating the number and date when received, taken therefor. On the fourth Tuesday preceding the day of election, the secretary of state shall file a sample thereof in his office of [for] public inspection. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §2.)

Reenactment of §276.

601-6(7)b. Secretary of State to prepare pink ballots.—The secretary of state shall also prepare and distribute a ballot printed on pink paper, hereinafter called the "pink ballot", upon which all propositions and questions to be voted upon throughout the state shall be so printed that the voter may conveniently indicate by a mark (x) either a negative or an affirmative answer to each. In preparing said pink ballot the secretary of state shall apply an appropriate designation or title to each such proposition and question, which designation or title shall be approved by the attorney general, shall consist of not more than one printed line and shall be printed in bold faced type not smaller than eight-point nor larger than ten-point, in a line immediately above and preceding the proposition or question to which it shall refer. Such ballots shall be deposited in a separate box, painted pink. They shall be counted, canvassed and returned as in the case of the white ballots, and the tally books and return blanks shall provide suitable columns and spaces therefor. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §3.)

Reenactment of §277.

601-6(7)c. City Clerk to prepare red ballots.—There shall be one ballot on red paper, hereinafter called the "red ballot" upon which the names of all

candidates for city offices, and all questions and propositions relating exclusively to city affairs shall be printed. It shall be prepared under the direction of the city clerk, and bound in blocks of 50; and together with the other ballots and the instructions provided in this chapter, shall be by him delivered to the judges for each polling place, and a receipt taken therefor, stating the number of each color and the date when received. On the Tuesday next preceding election day, such clerk shall file a sample printed ballot in his office for public inspection, and at least one week before the city election, the city clerk shall publish a sample of the red city election ballots in the official newspaper of the city. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §4.)

Reenactment of §278.

601-6(7)d. Lavender ballots for city charter or amendments.—All questions relating to the adoption of a city charter or any amendments thereto, or any proposition for the issuance of bonds, by any municipality as provided for by any statutes of this state enacted in pursuance of section 36 of article IV of the Constitution of Minnesota, submitted at any election to the electors of the municipality, shall be printed on one separate lavender colored ballot and shall be prepared, printed and distributed under the direction of the city clerk at the same time and in the same manner as other city ballots. Such ballots, when voted, shall be deposited in a separate ballot box, painted in a lavender color, to be procured by the local authorities for each voting district. Such ballot shall be canvassed, counted and returned and the result thereof declared in the same manner as other city ballots. The person under whose direction tally books and blanks for election returns are printed, shall print such tally books and blanks for election returns in such manner as to provide appropriate spaces and columns for counting, canvassing votes, and making proper returns for the question so placed on such lavender colored ballot. The tally books provided herein shall be made out in duplicate by the judges and they shall be the official returns of the election and on the back thereof shall be printed the statements required under this act, also a statement signed by all the judges and clerks certifying that the proposition appearing on the tally books received the number of votes set opposite the same. The city clerk shall post a sample ballot in his office and cause one week's published notice to be given of the contents of the lavender ballot in the official newspaper of the city. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §5.)

Reenactment of §279.

601-6(7)e. County Auditor to prepare "india tint" ballot.—There shall be one ballot on india tint paper, called in this act the "india tint ballot", upon which shall be printed the names of all candidates for office, and all questions and propositions to be submitted, except those required to be placed on other ballots. It shall be prepared under the direction of the county auditor. On the second Thursday preceding election day the auditor shall file a sample of such ballot in his office for public inspection. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §6.)

Reenactment of §280.

601-6(7)f. Number of ballots.—At least 100 ballots of each kind to be voted shall be provided by the clerk for each polling place for every 75 votes cast and counted therein at the preceding general election. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §7.)

Reenactment of §282.

601-6(7)g. Form, style, and size of ballots.—All ballots shall be printed with black ink on paper of sufficient thickness to prevent the printing thereon from being discernible from the back; all ballots of the same color shall be substantially uniform as to style, size, thickness and shade of color; and the same type shall be used for the names of all candidates on the same ballot. Whenever ballots of any class are

printed on paper of the same general tint, but varying in shade, those used in any one district shall be of the same shade. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §8.)

Reenactment of §283.

601-6(7)h. Same.—The white and pink ballots shall be not less than four nor more than six inches wide, and as long as the list of candidates to be voted for or the questions submitted may require, and shall contain, in such order of precedence as the secretary of state shall direct, conformable to this chapter, the official title of all offices proper to be placed thereon, followed by the names of the candidates for each. Such ballots shall be headed by the words "State Ballot" in heavy faced plain letters not smaller than long primer nor larger than great primer, with a heavy rule above and below the same. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §9.)

Reenactment of §284.

601-6(7)i. Same.—The name of each candidate and of the office to be filled shall be printed at right angles with the length of the ballot, in plain Roman type, not larger than long primer nor smaller than brevier; the name of each candidate in capital letters preceded on the same line by the title of the office in capitals and small letters. Except in case of presidential electors each name shall be followed on the same line in upper and lower case letters, by the political party designation of the candidate. At the left of and on a line with such names and designations, near the margin, there shall be a space so inclosed by rule work as to make a square three-eighths of an inch in size, in which the voter may designate his choice by a mark (x). Above and below each name shall be printed across the ballot a light line, except that above and below each office a heavier line shall be so printed. Below the name of the last named candidate for each office shall be placed as many blank lines as there are offices of the kind to be filled, preceded by the title of such office. The spaces for the names of candidates shall be three-eighths of an inch wide. At right angles with such lines and at the left of the small squares shall be printed opposite each office the words "Vote for one", or "Vote for two", or more, according to the number to be elected. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §10.)

Reenactment of §284a.

601-6(7)j. Same.—Like squares shall be placed at the left of the blank lines, and on such lines the voter may write the names of persons for whom he desires to vote whose names are not printed, and in the squares opposite the same he may make marks as in the case of printed names. The first name printed for each office, or group of names if more than one is to be voted for for the same office, shall be that of the candidate of the political party which at the last preceding general election polled the largest number of votes, the same to be determined by the average vote received by such of its candidates as were not endorsed by any other political party; and, in case all of the state candidates of any political party were endorsed or re-nominated by another political party, the position of the candidates of either such nominating or endorsing political party shall be determined by taking the average vote of its candidates at the last preceding election wherein they were not so endorsed. In like manner the second and succeeding lines shall be filled with the names of candidates of the other political parties receiving respectively the highest number of votes.

When the surnames of two or more candidates for the same office are the same, each such candidate shall have added thereto not to exceed three words, indicating his occupation and residence, and upon such candidate furnishing to the officer preparing the official ballot such words, they shall be printed on the ballot with and as are the names of the candi-

dates and immediately after his name. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §11.)

Reenactment of §285.

601-6(7)k. Same.—The names of candidates nominated by petition shall follow those of candidates nominated at primaries in the order in which the petitions are filed. Each such ballot shall contain, above the first name thereon, the words "put a (x) opposite the name of each candidate you wish to vote for, in the square indicated by the arrow", and on a line with such words and over such squares shall be printed a small arrow, or point thereof, pointing downward. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §12.)

Reenactment of §286.

601-6(7)l. Candidates for political parties.—A political party which has adopted a party name shall be entitled to the exclusive use of such name for the designation of its candidates on the official ballot, and no candidate of any other political party shall be entitled to have printed thereon as a party designation any part of such name. Nor shall any person be named on the official ballot as the candidate of more than one political party, or of any political party other than that whose certificate of his nomination was first properly filed. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §13.)

Reenactment of §288.

601-6(7)m. Back of ballots.—On the back of each ballot shall be printed in plain type not smaller in size than great primer, the words "Official Ballot", the date of the election, a facsimile of the official signature of the officer under whose direction the ballot is printed, and lines for the initials of two judges. Such printing shall be so placed as to be visible when the ballot is properly folded for deposit. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §14.)

Reenactment of §290.

601-6(7)n. Names on ballots.—Only the names of duly nominated candidates shall be placed upon the ballots and no ballot shall be furnished to the judges of any district which contains the name of a candidate who cannot properly be voted for therein. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §15.)

Reenactment of §291.

601-6(7)o. Rotation of names.—Whenever two or more persons are to be elected to the same office, the names of all non-partisan candidates for the same office shall be rotated on the ballots used in each district in the manner provided for primary election ballots by section 17 [601-6(7)p] of this chapter, and all the provisions of said section shall be applicable to general election ballots so far as practicable; provided, however, that nothing in this section shall apply to the office of presidential elector. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §16.)

Reenactment of §292.

601-6(7)p. Auditor to prepare primary election ballots.—The auditor of each county shall have printed a sufficient number of separate primary election ballots, varied as may be necessary for the several districts and wards. Said primary election ballot shall be in the same general form as to size and kind of type to be used, as is provided for the general election ballot, so far as practicable. The names of candidates under headings properly designating each official position shall be rotated upon the ballot in the printing so that the names of all candidates for each office shall be so alternated on the ballots used in each district that they shall appear thereon substantially an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list or group in which they belong.

The official charged with the preparation and distribution of such ballots shall prepare instructions to the printer for rotating, laying and tabbing such ballots, which shall first be approved by the legal advisor of said official before delivery to the printer.

In computing the method for making the rotation of names the least common multiple of the number of names in each of the several groups of candidates shall be used and the number of changes made in the printer's forms in printing such ballots shall correspond with said multiple; provided, however, that groups of more than five candidates shall not be considered in making such computation, and such groups may vary sufficiently in rotating to conform to the rotation for groups of five or less. Before any printer is awarded any contract for printing such ballots he shall be required to furnish a good and sufficient bond in such sum as the official awarding such contract shall designate, which shall not be less than \$1,000, nor more than \$5,000, conditioned that he will print such ballots in conformity with the law and such instructions. There shall be no printing on the back of the ballots, except the necessary ruled lines for the initials of the judges with the proper official designation printed under such lines; provided, however, that all offices for which no candidate is to be voted for at such primary election shall be omitted from the ballot; provided, further, that in all city primary elections in cities having home rule charters the officers designated in such charters shall prepare primary ballots for such city elections in accordance with the provisions of this section. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §17.)

Reenactment of §301.

601-6(7)q. Sample party ballots.—On or before the fourteenth day before such primary each auditor shall group all the non-partisan candidates and the candidates of each political party by themselves, and prepare for public inspection a sample party ballot and a separate non-partisan ballot. The names shall be arranged alphabetically according to the surname and each county auditor shall post the sample ballots in a conspicuous place in his office and give one week's published notice thereof in the official newspaper of his county. One sample party ballot only and one sample non-partisan ballot only shall be printed for any county, and thereon shall be placed the names of all candidates to be voted for in such county. The party ballot shall be headed by the words "Consolidated Primary Election Ballot", the same to be printed in 60-point, caps if practicable. Under the said heading shall appear the facsimile of the official signature of the auditor preparing it. Each political party shall have a separate ticket on the said Consolidated Ballot, under which the names of all the candidates of the said political party shall be grouped. The said political party ballot shall be printed in the manner and form now regulating the form of election ballots. The said party tickets shall be arranged in columns and each column shall be substantially the same in width, type and appearance. In the first column on the left shall be placed the names of the political party which polled the highest average vote at the last general election in said county, and in the second column the names of the candidates of the political party which polled the next highest average vote at such election, and so on. Each political party ticket shall be headed by the words, "..... party ticket", to be in 30-point type, giving the party name. At the head of each individual party ballot shall be printed in 18-point bold face type "You cannot split your ballot. If you vote for candidates of more than one party, your ballot will be rejected". Such individual party ballots shall be separated by a 12-point solid rule line. The non-partisan ballot shall be headed "Primary Election Ballot Candidates to be Nominated Without Party Designation", and otherwise the same as the party ballot. Otherwise, the ballots shall be arranged in the same general manner as the ballot used at general elections, with suitable divisions and explanatory notes, and except that no blank spaces shall be provided for writing in names of candidates. Only one form of sample party ballot and one form of sample non-partisan ballot need be printed for any city and thereon shall be placed the

names of all the candidates to be voted for in the entire city, those to be voted for in any single ward being indicated by the words and figures "First Ward" and so on.

In city primary elections in cities having home rule charters, primary election ballots on white paper shall be prepared carrying out the intent of said charters in said cities, placing all names of candidates for city office on one ballot in each city without any party designation whatever, if the charter so provide. In such cities, except for the omitting of all party designation, the provisions of this section shall be followed as fully as practicable. The city clerk, at least one week before the city primary election, shall publish a sample of the city primary ballot for city elections in the official newspaper of the city, and post a sample printed copy in his office for public inspection. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §18.)

Reenactment of §300.

601-6(7)r. Errors and omissions—Procedure.—Whenever it shall appear by affidavit presented to any judge of the supreme or district court that an error or omission has occurred in the printing of the name or description of any candidate on official ballots, or that any other error has been committed in preparing or printing the ballots or that the president or secretary of any convention has failed to properly make or file any certificate of nomination, or that the canvassing board of any primary election has failed to make and certify any nomination, or that the name of any person has been wrongfully placed upon the ballots as a candidate, such judge shall immediately order the officer or person charged with the error or neglect to forthwith correct the same, or perform his duty, or show cause why such error should not be corrected or such duty performed. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §19.)

Reenactment of §347.

601-6(7)s. Nominees without party designation.—After the name of each candidate on the general election ballot nominated without any political party designation, pursuant to Part Three, Chapter 1, Section 2 [601-3(1)a], at the primary election, shall be placed the words "nominated without party designation", and the separate ballot now provided for persons so nominated shall be headed "ballot of nominees to be elected without party designation". (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §20.)

Reenactment of §352.

601-6(7)t. Primary nominees to be placed on ballot without additional fee.—Every candidate for public office who has been duly nominated at any primary election and who has paid the fee required by law to be paid on filing as a candidate at such primary election shall, for the general election subsequent thereto, have his name as such candidate placed on the general election ballot without the payment of any additional fee. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §21.)

Reenactment of §350.

601-6(7)u. County Auditors to destroy ballots after one year—Exceptions.—The county auditor of any county and the clerk of any municipality are hereby authorized to destroy all ballots, voters' certificates and election returns, except the abstract of the canvassing board, at any time after one year from the date of the election wherein such ballots and election returns were used, except that all election returns involved in a contested election shall not be destroyed until said contest has been finally determined. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 7, §22.)

Reenactment of §336-1.

CHAPTER 8.—CONDUCT OF ELECTIONS AND MANNER OF VOTING

601-6(8). Time for voting.—At all elections hereafter held in the several districts in this state or in any municipal corporation, except annual town meetings, within the state, the polls in each district shall

open at 7:00 A. M. and be kept open continuously until 8:00 P. M., at which time they shall close. The governing body of any municipal corporation may, by resolution duly adopted prior to the giving of notice of election, designate the time, in no event less than three hours, during which the polls shall remain open for the next succeeding, and all subsequent municipal elections, to be effective until revoked. Provided, however, that those voters who, at the time of closing the polls, are either in the polling place or in line at the door thereof and have not been able to vote be entitled to vote and the polls shall remain open a sufficient time for them to do so. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §1.)

Reenactment of §§305, 401, 401-1, 1054, 1169.

601-6(8)a. Judges to open ballot boxes—Notice of closing time.—Immediately before opening the polls, one of the judges shall open the ballot boxes in the presence of the people there assembled, turn them upside down so as to empty them of everything that is in them, then lock them and deliver the key to another of the judges. The judges shall thereupon proclaim that the polls are open, and cause written or printed notices of the hour of closing them to be conspicuously posted outside the polling place. Such boxes shall not be re-opened until opened for the purpose of counting the ballots therein at the close of the polls. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §2.)

Reenactment of §411.

601-6(8)b. Ballots to be distributed in polling place only—Ballot boxes, public view.—No official ballot shall be distributed except in the voting room to voters about to vote, and no ballot which is not officially endorsed in the handwriting of such judges shall be placed in the box. The ballot boxes shall at all times be kept in public view. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §3.)

Reenactment of §416.

601-6(8)c. Duties of Judges.—One of the judges shall have charge of and hand to and receive from each voter the ballots. The other two shall have charge of the two election registers, each using one as herein provided. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §4.)

Reenactment of §420.

601-6(8)d. Judges to initial ballots.—Before the voting begins, or as soon thereafter as possible, two judges shall place their initials on the backs of all the ballots they have, immediately under or opposite the facsimile of the signature of the officer under whose directions the ballots were printed, and shall not otherwise mark the same. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §5.)

Reenactment of §415.

601-6(8)e. Challengers.—The judges shall allow one voter of each political party, selected by said parties respectively, and having a certificate in writing from the chairman of an authorized committee of the party he represents, to be in the room where the election is held, to act as challenger of voters; and such challengers may remain with the board until the votes are canvassed and the result declared. In case of the temporary absence of any challenger for meals or by reason of sickness, he may substitute some other person of like political belief, who shall be identified by an affidavit of such challenger. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §6.)

Reenactment of §412.

601-6(8)f. Appointment of challengers.—Challenger, or challengers, of illegal voters at election in each district, for non-partisan candidate or candidates shall be appointed by the candidate or candidates in writing, and they shall have all the rights and powers which the challengers representing political parties have under section 6 [601-6(8)e] of this chapter. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §7.)

Reenactment of §425-1.

601-6(8)g. Who may appoint challengers.—The mayor of any city, the president of any village, or the chairman of any town board shall, upon written petition of at least 25 legal voters presented to him not less than three days prior to any election, appoint in writing challengers of illegal voters for each district in said municipal corporation for any proposition to be voted on at said election. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §8.)

Reenactment of §425-1.

601-6(8)h. Who may remain in polling places.—No person shall be allowed to remain inside the voting place except members of the board, clerks, peace officers, challengers and voters who are about to vote, unless it be a voter who is called upon to assist another voter who cannot read English or is physically disabled, in marking his ballot as herein provided. The challengers shall not be allowed to handle or inspect registration cards or lists, and shall not attempt to influence voting on election days in any manner whatsoever. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §9.)

Reenactment of §417.

601-6(8)i. Judges or challengers may challenge voter—May be required to take oath.—Each judge shall, and any authorized challenger or other voter may, challenge any person whom he knows or suspects not to be a qualified voter. The challenger shall state the ground thereof, whereupon a judge shall administer to the challenged person the following oath: "You do solemnly swear that you will fully and truly answer all such questions as shall be put to you touching your qualifications as a voter at this election?" The judges shall then question the challenged person in such manner as will tend to disclose the particular facts in reference to which the challenge is made. He may be inquired of as to his name, age, then place of residence, length of time he has resided in the town, city, ward, or district; where his last place of residence was; as to his citizenship, whether he is a native or naturalized citizen, and, if the latter, when, where, in what court, and before whom, he was naturalized; whether he came into the town, city, or ward for the purpose of voting at that election; how long he intends to remain a resident of such town, city, or ward; and such other questions as tend to test his residence and his right to vote. If he refuses to answer the questions put to him, his name shall not be put upon the election registers, nor shall he be allowed to vote, unless he at once reconsiders and answers the questions. He shall not be allowed to vote if he leaves the polling place and afterwards returns although then ready to answer the questions. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §10.)

Reenactment of §421.

601-6(8)j. Oath after challenge.—After the questions specified in Section 10 [601-6(8)i] of this chapter have been answered if the challenge is not withdrawn, the judges shall administer the following oath: "You do swear that you are a citizen of the United States; that you are 21 years of age, and have been a resident of this state for six months immediately preceding this election, and an actual resident of this district for 30 days immediately preceding this election; that you are a qualified voter in this district and that you have not voted at this election?" Upon taking this oath he shall be allowed to vote, except when it appears that his name has been registered and erased then he shall not be allowed to vote unless he also produces a person known to a majority of the judges, who makes and subscribes an oath in their presence as to the identity of the person so offering to vote, after which he shall be allowed to vote. If such person refuses to take the oath specified in this section or section 10 [601-6(8)i] of this chapter, or, when so required, refuses to produce the person to swear to his identity and residence, as herein provided, then his name shall not

be put upon the election register, nor shall he be allowed to vote.

Provided, however, that when any voter who has registered under a permanent registration system is challenged because his name does not appear upon the election register of the district in which he desires to vote and, upon examination, it appears that such name was erroneously omitted from said election register, he shall be permitted to vote at such election in the district, and an emergency voting card, containing substantially the following information, shall be signed by the applicant and the judges:

“EMERGENCY VOTING CARD

.....WardPrecinct
Name
Residence

The undersigned judges hereby certify that the above named voter was permitted to vote in this precinct at the election held, 19...., pursuant to instructions from the office of the commissioner.

.....
Signature of voter Judges of Election

Signature of judge calling office Authorized by.”
(Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §11.)
Reenactment of §422.

601-6(8)k. Certificates of registered voters.—In all municipal corporations operating under a permanent registration system, before any person offering to vote receives the ballots from the judges, a certificate containing the following information shall be signed by the applicant:

“CERTIFICATE OF REGISTERED VOTER

.....PrecinctWard(City)
(Village) County, Minnesota, I hereby
certify that I am a qualified voter, permanently registered in accordance with the provisions of Part Two of the Minnesota Election Law in the above precinct and ward, (City) (Village) of, County of, Minnesota.

(Signature of voter)
(Address)
Approved
(Judge) (Clerk) of Election.”

The certificate shall be approved by a judge or clerk and then handed to the voter who shall deliver it to the judge in charge of ballots as proof of his right to vote. The certificates shall be arranged in alphabetical order and returned to the clerk of the municipal corporation after the close of the election in envelopes provided for the return of the ballots. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §12.) Reenactment of §421.

601-6(8)l. Voting.—The voter, having prepared his ballots, shall hand the same to the judge in charge of the ballot boxes, who, without opening or permitting them to be opened or examined, shall deposit the same in the proper boxes, first announcing the name and residence of the voter in an audible voice; and the judges in charge of the registers shall mark “Voted”, or the letter “V” in a column therein prepared, in the same line with the voter’s name. At any time before such ballots or either of them have been deposited in the boxes, he shall be subject to challenge by either of the judges, or by any person who was not present at the time he procured such ballots, but no challenger or other person except a judge, who was present when the ballot was delivered and had knowledge thereof shall afterwards interpose a challenge. When so challenged the same proceedings shall be had as provided in this chapter, and, if the person offering to vote is found disqualified, said ballots so prepared by him shall be placed among the spoiled ballots, and not opened. When no challenge

is interposed, the voter shall, after voting, at once retire from the voting rooms; and, when challenged, he shall retire as soon as the challenge is determined, and shall not again return unless by permission of all the judges.

At any time before his ballots are deposited in the ballot boxes by the judges, the vote of any absent voter may be challenged for any cause, and the judges shall have all the power and authority given by law to hear and determine the legality of such ballots. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §13.) Reenactment of §425.

601-6(8)m. Voter to receive ballots.—Having registered, when necessary, and, in case of a challenge, the same having been determined in his favor, every voter shall be entitled to a political party ballot and a non-partisan ballot. Such ballots shall be so endorsed with the initials of two of the judges that the same will show when folded. He shall be instructed by one of the judges as to the proper method of marking and folding his ballots, and shall then retire alone to an unoccupied booth and, without undue delay, mark the same as provided by law. If he shall spoil or deface such a ballot, he shall at once return the same and receive another. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §14.) Reenactment of §306.

601-6(8)n. Marking ballots.—At any primary election the voter shall designate his choice on the ballot by marking a cross (X) in the small square opposite the name of each candidate for whom he wishes to vote. If he shall mark more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office; but the rest of his ballot, if properly marked shall be counted; provided, however, that if he shall vote upon his party ballot for candidates or more than one party his entire ballot shall be void. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter’s choice, even though such ballot be somewhat soiled or defaced. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §15.) Reenactment of §307.

601-6(8)o. Shall mark each ballot.—The voter shall mark each of such ballots. If he spoils or defaces either of them, he shall at once return the same and get other ballots as hereinafter provided. In marking ballots, the following rules shall be observed.

- 1. When presidential electors are to be voted for, the voter shall place a mark (X) in the square opposite the group of candidates of the party of his choice.
2. In all other cases he shall place a like mark (X) in the square opposite the printed name of each candidate for whom he desires to vote and only those so marked shall be counted.
3. When he so desires, he may write other names in the blank spaces under the printed names of the candidates, and the names so written shall be counted as balloted for, whether marked in the small square or not.
4. When he has prepared his ballot, he shall so fold it concealing its face and all marks thereon, as to expose only the endorsement and the facsimile signature and initials of the judges on the back thereof.
5. He shall mark and fold separately each ballot, and at once withdraw from the voting booth. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §16.) Reenactment of §424.

601-6(8)p. Shall fold ballots and deposit in indicated boxes.—When a voter has marked his ballots, he shall fold each one separately so that its face will be concealed and only the initials on the back visible, and hand the same to the judge in charge of the ballot boxes. Each such folded ballot shall forthwith be placed in the proper ballot box, and the name of

the voter checked upon the election register in the column headed "Primary Election" but no entry or notation shall be made in such register, or otherwise, showing to which political party any voter belonged or which political party ballot he voted nor shall the judges knowingly permit any other person within the polling place to make such an entry or notation. No voter, judge, clerk or other person shall at any time place any mark as a means of identification under any ballot handed to or cast by any voter or upon any spoiled or discarded ballot except the initials of the judges on the backs of the ballots and the marks indicating the voter's choice of candidates made in the manner provided by law, and any violation of this provision shall be a gross misdemeanor. So far as applicable, all provisions of this act relating to false registration, defacing posted lists, time allowed employees for voting, ballots, voting room, removal from district, regulations of polling places, challenge of voters, rules for marking ballots, methods of voting, violations of such provisions, and penalties, shall be observed and enforced. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §17.)

Reenactment of §308.

601-6(8)q. Spoiled ballots—Aid in marking ballots.—When a voter spoils a ballot, he may return it and receive another. When any voter states under oath that he cannot read English, or that he is physically unable to mark his ballot, he may call to his aid two of the judges, who shall mark his ballot as he may desire and in as secret a manner as circumstances permit. When he also states that he cannot speak the English language or understand it when spoken, the judges may select two persons from different political parties to act as interpreters, who shall take an oath similar to that taken by the judges, and assist such person in marking his ballots. When he shall prefer he may call to his aid any voter of the same district, who, unaccompanied by a judge, may retire with him to one of the booths and mark the ballot for him, but no such person shall mark the ballots of more than three such voters at one election. Before his ballot is deposited, such voter shall show it privately to either a judge or a clerk to ascertain that it is marked as directed, but a physically disabled voter who is able to determine for himself need not show his ballot. No judge or other person so assisting a voter shall, in any manner, request, persuade, induce, or attempt to persuade or induce, such voter to vote for any particular political party or candidate, but shall mark the ballot as requested and shall not reveal to any other person the name of any candidate for whom the voter has voted or anything that took place while so assisting him. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §18.)

Reenactment of §§426, 427.

601-6(8)r. Voter not to divulge name of person for whom he votes.—No voter shall divulge to any one within the polling place the name of any candidate for whom he intends to vote or has voted, nor shall he ask for or receive assistance from any one within the polling place in the preparation of his ballot except as herein provided. When any voter, after having marked his ballot, shows it to any one, except as herein provided, the judge shall refuse to receive such ballot, but shall place it among the spoiled ballots, and when such showing has clearly been intentional, no other ballot shall be delivered to such voter. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §19.)

Reenactment of §429.

601-6(8)s. Voter to give correct address.—Every voter, at the time of applying for his ballot, shall truly state the name of the street in which he resides and, if the house where he resides is numbered, the number thereof and, if required, whether he is the householder or a lodger or employee therein and such other matters as are necessary for identification. On refusal to make such statement, he shall not be al-

lowed to vote. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §20.)

Reenactment of §430.

601-6(8)t. Employees may vote without loss of time.—Every employee entitled to vote at an election shall be permitted to absent himself from his work for that purpose during the forenoon of each election day, without a penalty or deduction from salary or wages on account of such absence. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §21.)

Reenactment of §435.

601-6(8)u. Judges to remove ballot for each voter.—No judge shall remove any of the ballots from the block except separately as required by voters for voting. The judges shall preserve unused and spoiled ballots and return them to the officers from whom they were received, with a statement of the number unused, and take receipt therefor. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §22.)

Reenactment of §436.

601-6(8)v. Shall hand ballots to voter.—When the judges are satisfied that the person applying for ballots is a voter, the judge having charge of the ballots shall tear from the blocks one ballot of each kind that is to be voted, having the proper initials thereon, and hand the same to the voter, who shall retire alone to one of the booths and there prepare such ballot or ballots. Voters may be allowed to carry with them to the booths sample ballots to assist them in marking the official ballots, but the same shall not be printed on white, pink, india tint, or red paper; and it shall be a misdemeanor to print or distribute sample ballots printed upon such paper. Sample ballots may be printed in newspapers as matter of news. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §23.)

Reenactment of §423.

601-6(8)w. Incapacitated voters.—When the judges are informed that a voter is at the door who is unable to enter the polling place without assistance, they may appoint one of their number to take an official ballot or ballots to him and assist in marking the same, when requested, in the presence of some one selected by such voter. When the ballot or ballots have been marked and folded, the same shall be handed to the judge in charge of the ballot boxes, who shall announce: "Ballot (or ballots) offered by (name), a person unable to enter the voting place by reason of physical disability; does anyone object to the reception of this ballot". If no one objects, the ballot or ballots shall be deposited; but, if objection be made, it shall be treated as the interposition of a challenge and proceedings shall be had as in case of challenges. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §24.)

Reenactment of §428.

601-6(8)x. Intoxicated persons may be denied right to vote.—Intoxication shall not be regarded as a physical disability, and no intoxicated person shall be entitled to assistance in marking his ballot. No voter shall be permitted to vote while grossly intoxicated. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §25.)

Reenactment of §429½.

601-6(8)y. Number of voters in polling place.—The number of voters within the rail shall in no case exceed the number of booths by more than three. The judges may make such regulations as they deem proper as to the time which a voter may remain in the polling room while receiving, preparing, and voting his ballot, which time shall not be less than three nor more than ten minutes, unless the delay is occasioned by his vote being challenged, or is the fault of the board, or some of them. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §26.)

Reenactment of §418.

601-6(8)z. Judges to make proclamation of closing.—The judges shall make oral proclamation at the door of each polling place 30 minutes before the hour

fixed by law for closing the polls, in substantially the following words: "Hear ye! hear ye; the polls will be closed in 30 minutes". When the hour for closing has arrived, the polls shall be closed, provided, however, that those voters who, at the time of closing the polls, are either in the polling place or in line at the door thereof and have not been able to vote may vote and the polls shall remain open a sufficient time for them to do so. On or before the opening of the polls the judges shall agree upon some standard of time to be used in opening and closing the polls. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 8, §27.)
 Reenactment of §438.

CHAPTER 9.—ELECTION RETURNS

601-6(9). Tally books.—Two tally books shall be furnished for each district by the official charged with the printing of the ballots, at the time and in the manner the ballots are furnished. Each tally book furnished for white ballots shall be headed, "Tally book for white ballots of;, County, Minnesota, General Election, November —, 19—", directly under which and extending across the sheet from side to side shall be two heavy red lines one-half inch apart. At the left side of each sheet of said tally book, in a column of suitable width, commencing just below said red lines, there shall be printed in plain type the titles of the several offices to be filled and the name of each candidate for the same, and as many blank spaces as appear on the printed ballot, the whole being as nearly as may be in the same order as on the official ballot. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 9, §1.)
 Reenactment of §446.

Any form of tally book which gives names of candidates, with appropriate columns for entering of votes, would constitute a substantial compliance with statute in town, village, and city election, and tally books need not conform to those used at primary and general election. Op. Atty. Gen. (28a-3), August 28, 1939.

601-6(9)a. Form of tally book.—Under the name of each candidate or blank line, except where a red line is herein provided, a light blue line shall be ruled across each sheet, and in each space five-eighths of an inch wide, extending from the second line from the top to the bottom line, four light blue lines shall be ruled, in such manner as to divide each space into five smaller spaces, each one-eighth of an inch wide. In each other space three-eighths of an inch wide the abbreviation "No." shall be printed. Over that part of the column of titles of offices and names of candidates showing the titles shall be printed the word "Office" and over that part of said column showing the names of the candidates shall be printed the word "Candidates". In each column headed "No." shall be printed in figures, in numerical order, "1", "2", "3" and so on, the figure "1" being placed in line with and opposite the name of the candidate nearest the top, and the figure "2" opposite the name of the next candidate, and in like manner down the column. Similar tally books shall be provided for the pink ballots. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 9, §2.)
 Reenactment of §§448, 449.

601-6(9)b. Same.—The form of tally books furnished by the county auditors shall be the same as those furnished by the secretary of state, except that the words "india tint" shall be substituted for the word "white" or "pink" in the heading; and those furnished by the officials charged with the printing of the red ballots shall be the same, except the word "red" shall be substituted for the word "white" in said heading, and the names of candidates may be printed or written, or partly printed and partly written. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 9, §3.)
 Reenactment of §450.

601-6(9)c. County Auditor to furnish tally books for primary elections.—For each state primary election the auditor shall furnish to each district, with the ballots, two sets of tally books for each political party having candidates and for non-partisan candidates to be voted for. Each tally book shall be

headed "Tally book for (name of political party) (Name of city or village) (county) (ward or town) election district, for a primary election held (date)." The names of candidates shall appear on the tally books, in the order in which they appear in the official sample ballots, and in each case shall have the proper designation at the head thereof; provided, however, that, in cities of the first class, tally books mentioned herein shall be made out in duplicate by the judges and they shall be the official returns of the election. On the back thereof shall be printed the statements required in this act, and also a certificate signed by all the judges and clerks certifying that the candidates whose names appear on said tally books received the number of votes set opposite their names. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 9, §4.)
 Reenactment of §311.

601-6(9)d. Tally books to be part of election returns.—Such tally books on which the count has been so entered shall be included in the returns of such election. The officers of election shall on blanks to be provided for that purpose make full and accurate returns of the votes cast for each candidate. The officers shall seal the returns and return the same to the auditor in the manner and as provided by this act. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 9, §5.)
 Reenactment of §310.

601-6(9)e. Election returns.—In making out the returns, the clerks shall set down the total number of names entered upon the election registers, in columns prepared therefor, the total number of ballots actually cast and counted, the name of each person voted for, the number of votes received by him, and the office, all numbers being written in both words and figures. Such returns shall be in substantially the following form, viz.: "At an election held at in the election district, composed of in the county of State of Minnesota, on the day of 19 , the following named persons received the number of votes opposite their respective names for the following offices, to-wit: For (office), A. received votes"; and the same in case of every person voted for; and a similar return showing votes cast for and against each proposition. Such returns shall be made in duplicate, each signed by the judges and attested by the clerks. Provided, however, that, in cities of the first class operating under a home rule charter, such returns shall be made on the back of the tally books in the above form and shall be signed and certified and attested in the same manner. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 9, §6.)
 Reenactment of §465.

601-6(9)f. Sealing returns—Statement of total vote cast.—Before separating, the judges shall include one set of such returns in each of two envelopes; each envelope shall then be sewed by drawing twice through it and the return therein a substantial twine, by tying the ends thereof together and then sealing said envelope in three places with wax and stamp furnished by the county auditor, one of which places shall be over the knot in said twine, then endorse said envelope in the following form: "Election returns of the election district of in the county of" and direct one of such envelopes to the auditor and the other to the proper town, village, or city clerk. In towns, villages, and cities of the fourth class, one set of such returns, together with all unused and spoiled white, pink and india tint ballots, shall be delivered to the auditor at his office, by a judge chosen by lot or agreement, within 24 hours after the closing of the polls, and the other, in like manner, to the clerk of the municipal corporation. The judges also shall make two summary statements of the total votes cast for each person for any office, and for and against each prop-

osition voted upon, and cause one of such statements to be filed with the auditor with such returns, and cause the other of such statements to be filed with the city, village or town clerk, as the case may be, where they shall remain open to public inspection. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 9, § 7.)

Reenactment of § 466.

601-6(9)g. Returns, unused and spoiled, and ballot boxes to be delivered to city clerk.—In cities of the first, second and third classes, immediately after the canvass has been completed and the returns prepared, the judges and clerks, before separating and without stopping at any place or leaving any of their ballot boxes, returns, or ballots at any place or with any person, shall deliver to the city clerk, at his office, one set of such returns, the ballot boxes, all unused and spoiled red ballots, and all other things in this act required to be delivered by them to such clerk; and such clerk shall remain in his office to receive the same until all have been delivered. Such clerk shall keep a book in which, in their presence, he shall enter the names of the judges and clerks, and the hour at which such delivery was made, which book shall be preserved in his office for the same period as the ballots. The judges in each district shall forthwith choose one of their number, by lot or agreement, to deliver the other copy of such returns, and the unused and spoiled white, pink, and india tint ballots, to the auditor. The judge so chosen shall deliver such returns, ballots, and all other things in this act required to be so delivered, to such auditor, at his office, within 24 hours after delivery of the ballot boxes and returns to the city clerk. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 9, § 8.)

Reenactment of § 467.

601-6(9)h. Auditor to dispatch special messenger in certain cases.—Whenever the judges fail to make returns as provided in this act, the auditor or clerk to whom such returns should have been made shall dispatch a special messenger to obtain them, who shall be entitled to the same compensation as a judge for like services, and be subject to the same penalties. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 9, § 9.)

Reenactment of § 472.

601-6(9)i. Irregularities not to be considered in returns.—No officer to whom election returns are required to be made shall refuse to receive them because they are returned or delivered to him in any other manner than [sic] that prescribed in this act, except that they must be sealed. No canvassing board shall refuse to include any returns in its canvass of votes on account of any informality in holding the election or making returns thereof, but all returns shall be received and the votes canvassed by such canvassing board and included in its statements where there is a substantial compliance with the provisions of this act. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 9, § 10.)

Reenactment of § 473.

601-6(9)j. Auditor and secretary of state to make certificates of elections.—The auditor of each county or the secretary of state, where the district comprises more than one county, shall make, for every officer and member of the legislature elected therein a certificate of such election, and deliver the same to the person entitled thereto, without fee, upon demand; provided, however, that no certificate of election shall be issued by the auditor of any county, or by the secretary of state, to any person declared elected by the canvassing board of such county, or by the state canvassing board, at any general election until 12 days after such canvassing board has canvassed the returns and declared the result of such election. The auditor of any county shall also make for any candidate or voter of his county, a certified copy of any statement of votes made by the county canvassing board, on payment or tender of one dollar therefor. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 9, § 11.)

Reenactment of § 477.

CHAPTER 10.—CANVASS OF VOTES BY ELECTION JUDGES

601-6(10). Canvass of votes in primary elections.—Canvass of votes on primary ballots shall be made in the same manner and by the same officers as is provided by this act, except as herein otherwise provided. The ballots shall be counted in the following manner: The election officers shall take the ballots from the boxes, count those cast for the candidates of each political party and for non-partisan candidates, place the political party ballots and non-partisan ballots in separate piles and fasten them together. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 10, § 1.)

Reenactment of § 310.

601-6(10)a. Canvass of votes to be public.—The judges shall then proceed to canvass the votes cast at such election. Such canvass shall be public and continued without intermission until completed and the result declared, but this shall not be construed to prevent any temporary recess for taking meals or other necessary purposes. During such canvass no person other than the judges and clerks shall handle or interfere with the ballots. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 10, § 2.)

Reenactment of § 440.

601-6(10)b. Order of canvass.—The ballot boxes shall be opened, the votes counted, and the results declared, one box at a time as follows: First, the white box; second, the pink; third, the india tint; and fourth, the red. The returns shall not be prepared until the votes in all the boxes have been counted so as to allow corrections in case any errors have occurred by reason of the deposit of ballots in the wrong boxes. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 10, § 3.)

Reenactment of § 441.

601-6(10)c. Method of canvass.—The judges shall begin the canvass by taking from the box the ballots, unopened except so far as necessary to ascertain whether every ballot is single, and counting them to determine whether their number corresponds with the number appearing on the election register to have been cast in such box. Whenever two or more ballots are found so folded together as to appear like a single ballot, they shall lay them aside until the ballots in all the boxes have been counted. If, on comparing such ballots with the number of the same kind appearing by the election register to have been cast, it is evident that the ballots so folded together are cast by one voter, they shall preserve but not count them. Whenever there is an excess of ballots in any box, they shall examine them and ascertain whether all are properly marked with the initials of the judges, and, if any are not so marked, they shall preserve but not count them. When there is still an excess, they shall replace them in the box, and one judge, without looking, shall draw from the box a number of ballots equal to such excess, which shall be preserved, but not counted. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 10, § 4.)

Reenactment of § 442.

601-6(10)d. Ballots deposited in wrong box.—Whenever the number of ballots in any box equals or exceeds the number shown by the election registers to have been cast in such box, no ballots proper to have been deposited therein, but found in another box, shall be counted; but whenever the number is less than that shown by the election registers, and ballots properly belonging in such box are found in another box, they shall be counted the same as those in the proper box; but if counting such ballots produces an excess of votes above the number shown by the election registers, then the number shall be reduced by drawing therefrom as provided in section 4 [601-6(10)c] of this chapter. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 10, § 5.)

Reenactment of § 443.

601-6(10)e. Disposition of ballots found in wrong box.—Whenever any ballots not belonging among

tual, visual inspection of the exterior of the said boxes. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 10, §11.)

Reenactment of §468.

601-6(10)k. Rules for canvassing ballots.—All ballots shall be counted for the persons for whom they were intended, so far as such intent can be clearly ascertained from the ballots themselves, and in determining such intent, the following rules shall be observed.

1. When a voter has placed a mark (X) against two or more names for the same office, where only one is elected, his vote shall not be counted for either candidate.

2. When a voter has written the name of a person in the proper place, his vote shall be counted for such person, whether he makes a mark (X) opposite thereto or not.

3. When a mark (X) is made out of its proper place, but on or so near a name or space as to indicate clearly that the voter intended to mark such name, the vote shall be counted as so intended.

4. When a number of persons are to be elected to the same office, all cross marks in squares opposite names, not exceeding the whole number to be elected, including written names thereon, shall be counted. When less than the number to be elected are marked, only those so marked shall be counted.

5. The judges shall disregard misspelling or abbreviations of the names of candidates, if it can be clearly ascertained from the ballot for whom it was intended.

6. When the judges can determine from a ballot the voter's choice for a part only of the officers, the ballot shall be counted for such part only.

7. When a voter uses uniformly a mark other than "x" in marking his ballot, clearly indicating his intent to mark against a name, and does not use (x) anywhere else on the ballot his vote shall be counted for each candidate so marked.

8. When a ballot shows that marks have been made against the names of two candidates, and an attempt made to erase one of such marks, it shall be counted for the candidate for whom it was evidently intended.

9. All ballots marked as hereinbefore provided shall be counted for the candidates or proposition therein shown to be voted for. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 10, §12.)

Reenactment of §454.

601-6(10)l. Defective ballots.—A ballot so defective in whole or in part that it cannot be counted by reason of inability of the judges to determine the intent of the voter shall be marked on the back "Defective", or "Defective as to . . .", naming the office as to which it is defective. Such ballots shall be strung in regular order with those not defective. A memorandum of the number of such ballots, and, if defective in part only, of the defective parts not counted, shall be made, certified, and returned by the judges with their other returns. Thereupon the ballots shall be strung in the order they are read and canvassed, and the string tied and sealed. When the correct result has been ascertained, one of the canvassing judges shall publicly announce to those present the number of votes cast for each candidate. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 10, §13.)

Reenactment of §455.

CHAPTER 11.—CANVASSING BOARDS

601-6(11). Members of county canvassing board—Duties.—The county canvassing board shall consist of the county auditor, the clerk of the district court, two members of the county board, to be selected by the board from among its members who are not candidates for nomination or election to such office, the mayor or president of the most populous municipality in the county; provided, however, in the event that any of said persons shall fail or refuse to serve on said canvassing board, the county auditor shall appoint a qualified voter of the county, who shall not hold any public office, to take the place of such person on said

canvassing board. Three members shall constitute a quorum and when sworn shall have power to act. Such board shall meet at the auditor's office at 10:00 A. M. on the third day after a primary election, take the oath of office, and publicly canvass the returns of such election made to the county auditor, and it shall complete the canvass by the evening of the fifth day following such election. The canvassing board shall forthwith make the following report and file same with the county auditor:

1. A separate statement of each political party showing the names of all candidates thereof voted for at such primary election, the number of votes received by each, and for what office;

2. A separate statement showing the names of candidates of each political party who are nominated;

3. A statement of the whole number of votes registered and the number of ballots cast at such primary election; and

4. A separate statement of the votes received by each of the non-partisan candidates and the names of the non-partisan candidates nominated.

Whenever any candidates receive an equal number of votes for the same nomination the canvassing board shall determine the tie by lot.

Upon completion of such canvass, the county auditor shall forthwith certify to the secretary of state the vote, as shown by such report, for all candidates to be voted for in more than one county, and shall mail or deliver to each nominee who is to be voted for in his county only a notice of his nomination and that his name will be placed upon the official ballot; provided, however, that in any primary election for city officers in any city having a home rule charter said canvassing board shall file with the clerk of such city a separate statement which will show the persons nominated for each office under the provisions of such charter, with such details as are provided in this section, omitting all political party designation, if such charter so provides.

Such canvassing board, within ten days after the general election, shall meet at the auditor's office and there publicly canvass the returns of such election made to said auditor, and shall complete such canvass without unnecessary delay and forthwith make the following report and file same with the county auditor:

1. A statement of the whole number of votes cast in such county for the several state officers, including therein presidential electors, members of the legislature and judges of the district court, the names of the persons for which such votes were cast, and the number cast for each; and the total number of registered names in each election district, and the total number of ballots cast therein;

2. A statement of the names of all persons receiving votes for any county office, and the number of votes received by each;

3. A statement of the names of all candidates for the offices of representative in congress, and the number of votes received by each;

4. A statement of the number of votes cast for and against any proposed change of county lines or county seat; and

5. A statement of the number of votes cast for and against any proposed amendment to the constitution, or other proposal submitted to popular vote.

Such canvassing board, having completed such canvass shall declare the person receiving the highest number of votes for each county office duly elected thereto; and when such county constitutes, or contains a senatorial or representative district it shall declare the persons receiving the highest number of votes, respectively, for senator or representative duly elected. In case of a tie, the canvassing board shall determine the result by lot. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 11, §1.)

Reenactment of §§312, 313, 474, 476.

601-6(11)a. Returns of county canvassing boards.—Two copies of each of such statements shall be made and certified under the official seal of the auditor, each enclosed in an envelope directed to the secretary of state, with the auditor's name and official address and the words "Election returns" endorsed thereon, and forwarded by different mails within five days of each other. If neither copy be received by the secretary within 20 days after the election, he shall immediately notify the auditor of that fact, who shall transmit another copy thereof to said secretary by special messenger deputed by him. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 11, §2.)

Reenactment of §475.

601-6(11)b. State canvassing boards.—The secretary of state shall call to his assistance two judges of the supreme court and two disinterested judges of the district court, and such judges, together with the secretary of state, shall constitute the state canvassing board. Such board shall meet at the office of the secretary of state on the tenth day after a primary election, on the second Tuesday after a general election, and within 30 days after a special election. When a vacancy in the membership of said canvassing board occurs by reason of the failure of any such judge to attend the meeting of such board on the day appointed, the secretary of state shall fill such vacancy by selecting another disinterested judge from either court; provided, however, that not more than two judges of the supreme court shall serve upon said canvassing board at any one time.

Such canvassing board shall open and canvass the returns of a primary election made to the secretary of state; and, upon the completion of the canvass, the secretary of state shall forthwith certify to the several county auditors the names of the persons found to be nominated and mail to each such nominee a notice of his nomination. At its meeting after a general election, such canvassing board shall open and canvass the certified copies of the statements made by the county canvassing boards, prepare therefrom a statement of the whole number of votes cast at such election for members of congress, candidates for the several state offices, and such candidates for senator or representative as shall be voted upon in more than one county, the names of the persons receiving such votes, and the number received by each, and the number of votes cast for and against each constitutional amendment, specifying the several counties in which they were cast, and shall subscribe such statement and certify to the correctness thereof and, within three days after the completion of such canvass, declare the result. In case of a tie vote for any office, the result of which is to be certified by such canvassing board, it shall determine such tie by lot. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 11, §3.)

Reenactment of §§314, 478, 479.

CHAPTER 12.—NOMINATION AND SELECTION OF U. S. SENATORS

601-6(12). Candidates for United States Senate.—At all primary elections next preceding the election of a senator in congress, the secretary of state shall cause to be placed upon the official primary ballots of the several counties the names of all electors seeking the nomination for senator in congress whose name [sic] shall have been duly filed under the provisions of this act. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 12, §1.)

Reenactment of §333.

601-6(12)a. Candidates to file with Secretary of State.—Not more than 60 days nor less than 40 days before the primary election, any person eligible and desirous of having his name placed upon the primary ballot as a candidate for United States senator in congress from this state shall file his affidavit with the secretary of state, stating his residence, that he is a qualified voter in the State of Minnesota, the name of his political party, that he desires to be a candidate for

the office of United States senator in congress, that he affiliated with said political party at the last general election and either that he did not vote thereat or voted for a majority of the candidates of said political party at such election and intends to so vote at the ensuing election. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 12, §2.)

Reenactment of §334.

601-6(12)b. Fee for filing.—Upon the filing of such affidavit in his office, accompanied by a fee of \$100.00 the secretary of state shall record the same and make a proper certificate and shall notify the county auditors of the several counties of the state of the fact of such filing and direct them to place upon the official primary election ballots of their respective counties, the names of the candidates seeking the nomination for senator in congress. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 12, §3.)

Reenactment of §335.

601-6(12)c. Place on ballot.—After the receipt of the notification of the secretary of state provided in the preceding section, the county auditors of the several counties shall cause the name of each elector seeking the nomination for senator in congress from this state to be placed upon the official ballots of the political party with which said elector affiliates as shown by his affidavit of nomination printed by them for the ensuing primary election in their respective counties; and the names of said candidates for the nomination of senator in congress shall precede the names of all other candidates on each ballot. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 12, §4.)

Reenactment of §336.

601-6(12)d. All laws applicable to United States Senators.—The provisions of this act for the preparation of the ballots and for the casting, counting and canvassing of votes, and for filling vacancies are hereby made applicable to the nomination and election of United States senators, so far as practicable. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 12, §5.)

Reenactment of §337.

601-6(12)e. Candidate for United States Senator in primary elections.—At each general election next preceding the election of a senator in congress, the secretary of state shall cause to be printed on the official state ballots, preceding the names of candidates for state offices, the names of the candidates for senator in congress, with their respective political party designations as in the case of the names of the other candidates on said ballots. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 12, §6.)

Reenactment of §338.

601-6(12)f. To be canvassed same as other votes.—At each general election referred to in this chapter the votes for senator in congress from this state shall be canvassed by the state canvassing board in the same manner as the votes for state officers, and the candidate for senator in congress receiving the greater number of votes shall be declared to be elected senator in congress from this state for the next vacancy in said office to be filled. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 12, §7.)

Reenactment of §339.

601-6(12)g. When two candidates are to be voted for.—When two persons are to be elected United States senators in congress from this state at the same election, each person filing for the nomination as provided in this chapter shall, in addition to all other matters necessary to be stated in said affidavit, designate the term for which he desires to be a candidate by stating the date of the expiration of such term, and such designation shall be printed opposite the name of such candidate on the primary ballot and opposite the name of the successful candidates upon the general election ballot. Such designation of terms shall be observed by all the election officials and canvassing boards at both the primary and general elections. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 12, §8.)

Reenactment of §341.

CHAPTER 13.—MISCELLANEOUS

601-6(13). Compensation for election services.—The compensation for services performed under this act shall be as follows:

1. To presidential electors, ten dollars for each day's attendance at the capitol, and five cents for each mile necessarily traveled in going to and returning from St. Paul.

2. To persons carrying ballots from, and returns to, county auditor's offices, one dollar for each trip necessarily made, and five cents for each mile of necessary travel.

3. To members of county canvassing boards, three dollars for each eight hours of service as members of such canvassing board, and five cents for each mile of necessary travel.

4. To regular, special and ballot judges and clerks of election, 40 cents for each hour necessarily spent in receiving votes, and 50 cents for each hour so spent in counting and canvassing ballots. Provided, that such compensation to regular, special and ballot judges and clerks of election in cities of the first class operating under a home rule charter shall be fixed and determined by the council of such cities respectively.

Provided, further, that such compensation to regular, special and ballot judges and clerks of election in cities now or hereafter having 20,000 and not more than 50,000 inhabitants, shall be fixed and determined by the councils of such cities respectively, in amounts not exceeding 40 cents for each hour necessarily spent in receiving votes, and 50 cents for each hour so spent in counting and canvassing ballots.

5. To special peace officers, 20 cents for each hour of service rendered by direction of the judges. Provided, that such compensation to special peace officers in cities now or hereafter having 20,000 and not more than 50,000 inhabitants, shall be fixed and determined by the councils of such cities respectively, in an amount not exceeding 30 cents for each hour of service so rendered. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 13, §1.)

Reenactment of §493.

601-6(13)a. Expenses to be paid by state.—The compensation prescribed in the preceding section, the cost of printing the white and pink ballots, and all necessary expenses incurred by the secretary of state in connection with elections, shall be paid by the state out of moneys not otherwise appropriated. That prescribed in subdivision 3 of such section, the cost of printing the india tint ballots, and all necessary expenses incurred by auditors in connection with elections, shall be paid by the respective counties. That prescribed in the remaining subdivisions thereof, the cost of printing the red ballots, or providing ballot boxes and polling places, and equipping the same, and all necessary expenses of the clerks of municipal corporations on account of elections, shall be paid by the respective towns, villages, or cities where the elections are held. All disbursements hereunder shall be presented, audited and paid as in the case of other public expenses. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 13, §2.)

Reenactment of §494.

601-6(13)b. Application of act.—The provisions of this act shall not apply to elections of town officers, nor except those relating to the arrangement for voting at the polls, the preservation of order thereat, and election contests, to village elections. And nothing herein shall affect the terms of city officers, or the times of holding city elections, as prescribed by the charters of the several cities. (Act Apr. 21, 1939, c. 345, Pt. 6, c. 13, §3.)

Reenactment of §495.

PART SEVEN
ELECTION CONTESTS

CHAPTER 1.—GENERAL PROVISIONS

601-7(1). Who may institute contest.—Any 25 voters of the state, or of any political subdivision thereof, may contest the right of any person to nomination, position, or office for which said voters had the right to vote, on the ground of deliberate, serious and material violation of the provisions of this act or of any other provisions of law relating to nominations and elections. Any defeated candidate for said nomination, position or office may make said contest. Said proceeding shall be commenced by petition filed in the district court of the county in which the candidate whose election is contested resides, and the contest shall be carried on according to law.

In case of contests over nomination, the court shall pronounce whether the incumbent or contestant was duly nominated, and the person so declared nominated shall have his name printed on the official ballots.—(Act Apr. 21, 1939, c. 345, Pt. 7, c. 1, §1.)

Reenactment of §570.

601-7(1)a. Watchers for ballot boxes.—In counties having a population of 200,000 or more, and in all cities of the first class any candidate for office at any election, upon demand made upon the custodian of the ballots, shall be entitled, either by himself, or his duly authorized agent, or agents, not exceeding two at any one time, to maintain continuous, visual watch over said boxes at all hours of the day and night until the expiration of the time for instituting contests; and in case of the instituting of contest or contests, either party to such contest, upon demand upon the custodian of the said ballots and upon notice to the opposing party to such contest, shall be entitled by himself, or his duly authorized agent or agents, not exceeding two at any one time, to maintain an actual, visual watch over such ballot boxes at all hours of the day and night. In event of such demand, either by candidate or party to a contest, the custodian of such ballots shall be authorized to appoint some suitable persons as watchman over such ballot boxes during such hours as he shall deem necessary, in order to prevent leaving the same in the sole custody of such candidate or contestant, or his agent or agents. (Act Apr. 21, 1939, c. 345, Pt. 7, c. 1, §2.)

Reenactment of §468.

601-7(1)b. ~~Candidate may file contest.~~ Notice.—Any candidate for the office of senator or representative for any legislative district, may contest the validity of the election of any person declared elected to such office, by filing with the clerk of the district court of the county of the residence of the contestee, within ten days after the canvass is completed, a written notice of contest, specifying the points upon which the contest will be made.

The notice shall be served upon the contestee, within five days thereafter, in the manner provided for the service of a summons in a civil action, or within the time and in the manner prescribed for serving notices in section 7 of this chapter. The contestee may, within 15 days after the service of such notice, serve upon the contestant a notice specifying additional points upon which he desires to offer evidence upon the right to hold such office. (Act Apr. 21, 1939, c. 345, Pt. 7, c. 1, §3.)

Reenactment of §484.

601-7(1)c. Inspection of ballots.—An inspection of ballots may be had upon the application of either party to the contest, in accordance with section 8 [601-7(1)g] of this chapter, which shall apply to contests under this section insofar as said section may be applicable, including the provision of furnishing a bond for the sum of \$250.00. Three inspectors of ballots shall be appointed as provided for in said section 8 [601-7(1)g], in the case of a contest for a county office. The inspectors shall recanvass the

votes and ballots cast for the parties to the contest in accordance with law and with Part Six, Chapter 10, Section 12 [601-6(10)k]. They shall make a written report of such recount and canvass, and shall report the number of votes cast for each of the parties to the contest in each voting district and shall report any disputed ballots upon which the inspectors cannot agree. (Act Apr. 21, 1939, c. 345, Pt. 7, c. 1, §4.)

Reenactment of §485.

601-7(1)d. Trial.—The contest proceedings shall be brought on for trial as provided in said section 7 [601-7(1)f] of this chapter, within 30 days after the filing of the notice of contest. The only questions to be tried by the court shall be as to which of the parties to the contest received the highest number of votes legally cast at the election, and as to who is entitled to receive the certificate of election. The judge trying the proceeding shall make findings upon the questions so tried. Further evidence upon the points specified in the notices shall be taken and preserved by the judge trying the contest, or under his direction by some person appointed by him for that purpose.

Whenever a contest is instituted under this act, the county auditor and secretary of state shall refrain from issuing a certificate of election until the final determination of the question as to which of the parties is entitled to the certificate of election. He shall then issue the certificate to the one so found to be entitled to the certificate.

Either party may appeal to the supreme court from the determination of the district court in accordance with the provisions of section 9 [601-7(1)h] of this chapter, within five days after notice of filing the decision.

Upon application of either of the parties to the contest, the clerk of the district court shall transmit all the files and records of the proceedings with all the evidence taken to the presiding officer of the house by which the contest is to be tried. (Act Apr. 21, 1939, c. 345, Pt. 7, c. 1, §5.)

Reenactment of §486.

601-7(1)e. Conduct of contest.—In hearing the contest, the house shall proceed as follows:

1. At the time appointed, the parties shall be called, and, if they appear, their appearance shall be recorded.
2. If the presiding officer be a party, a speaker pro tem shall be elected to preside.
3. The contestant's evidence shall be submitted first, followed by that of the contestee, and the contestant shall open the argument, and close the same after the contestee has been heard.
4. The vote upon the contest shall be viva voce, any member may offer reasons for the vote he intends to give, and a majority of the votes given shall decide; but no party to the contest shall vote upon any question relative thereto.
5. The clerk or secretary shall enter the proceedings in the journal. (Act Apr. 21, 1939, c. 345, Pt. 7, c. 1, §6.)

Reenactment of §487.

601-7(1)f. Voter may contest election.—Any voter may contest the election of any person for or against whom he had the right to vote, who is declared elected to a state, county, or municipal office, or the declared result upon a constitutional amendment or other question submitted to popular vote, by proceeding as follows: He shall file with the clerk of the district court of the county of his residence, within ten days after the canvass is completed a written notice of contest, specifying the points upon which the contest will be made, and cause a copy thereof to be served upon the contestee, when the contest relates to the election of an officer, upon the secretary of state when it is a matter submitted to popular vote which affects the entire state, or any subdivision thereof larger than a county, upon the auditor when it affects a single county, and in all cases upon the municipality af-

fect. In case of a contest as to a state office, the notice may be filed in any district court of the state, but the place of trial may be changed as in civil actions. When the contestee desires to offer testimony on points not specified in contestant's notice, he shall file and serve on the contestant notice thereof specifying such additional points. Such notices shall be treated as the pleadings in the case, and may be amended in the discretion of the court. All notices provided for herein shall be served in such manner and within such times as the court may by order direct, and the testimony shall be taken, and the matter tried and determined, in the same manner as such actions are tried by the court, at a general or special term, if any, occurring within 30 days after such canvass. When no term is already fixed, the judge shall seasonably appoint a special term to be held within such time. (Act Apr. 21, 1939, c. 345, Pt. 7, c. 1, §7.)

Reenactment of §488.

601-7(1)g. Inspection of ballots.—After a contest has been instituted, either party may have the ballots inspected before preparing for trial. The party applying for such inspection shall file with the clerk a verified petition, stating that he cannot properly prepare his case for trial without an inspection of such ballots, and thereupon the judge of said court shall appoint three persons, if for a county or municipal office, or other question submitted to popular vote in any county or municipality, one selected by each of the parties and a third by those two, by whom such inspection shall be made. If the contest relates to a state office, or to the declared result upon a constitutional amendment or other question submitted to popular vote throughout the state a judge of said court shall issue an order directing that all ballots pertaining to such contest be forthwith transmitted to the secretary of state by the several county auditors of the state. Such ballots, together with the sealed envelopes in which they were returned by the judges, shall be properly boxed and sealed before shipment. They shall be shipped by express and it shall be the duty of the transportation company having in charge the transportation of such ballots to properly safeguard the same from the time they are received until they are delivered to the secretary of state. The said order may be served upon the several county auditors by registered mail. Such order may be modified as to the most populous counties and provision made for inspecting the ballots of such counties at the county seats thereof. Before such order is issued the applicant therefor shall deposit with the secretary of state a sum of money sufficient to pay all expenses connected with the transportation of such ballots. No compensation shall be allowed the county auditor for his services in preparing such ballots for shipment. In state contests, the judge of said court shall appoint as many sets of three persons as may be necessary to expeditiously count and inspect the ballots in the office of the secretary of state, or elsewhere. Such inspectors shall be selected in the same manner as for county or municipal contests. Contests for district judge, or other offices not specifically provided for herein, shall be conducted under this section, the procedure therefor to be fixed by the court. Inspection of ballots shall be conducted in the presence of the legal custodian of the ballots and the party applying therefor shall file with the clerk a bond in the sum of \$250.00, if the contest be within a single county; otherwise such bonds shall be in a sum to be fixed by the court in its discretion, with two sureties, and conditioned that he will pay the costs and expenses of such in case he fails to maintain his contest. If the contestant prevails in his contest the cost shall be taxed against the contestee. In case either party neglects or refuses to name an inspector, he shall be named by the judge. The compensation of inspectors shall be the same as for referees, unless otherwise stipulated. Any court of proper jurisdiction may order the return of any bal-

and upon the

lots to the county from which they were sent, after inspection, if necessary to be used in any other contest proceeding. The secretary of state shall preserve any ballots in his possession until the next general election, unless otherwise directed by order of court. (Act Apr. 21, 1939, c. 345, Pt. 7, c. 1, §8.)

Reenactment of §489.

601-7(1)h. Appeal—Bond.—When an appeal is taken to the supreme court from the determination of the district court in any contest instituted under section 7 [601-7(1)f] of this chapter, the party appealing shall file in the district court a bond in such sum, not less than \$500.00, and with such sureties, as shall be approved by the judge, conditioned for the payment of all costs incurred by the respondent in case appellant fails on his appeal. The return of such appeal shall be made, certified, and filed in the supreme court within 15 days after service of notice of appeal. The appeal may be brought on for hearing in said court at any time when it is in session, upon ten days' notice from either party, which may be served during term time or in vacation; and it may be heard and determined summarily by said court. (Act Apr. 21, 1939, c. 345, Pt. 7, c. 1, §9.)

Reenactment of §490.

601-7(1)i. Determination of contest.—Whenever in any contested election the tribunal hearing the contest shall determine that the ballots used in any district by reason of the omission, addition, misplacing, misspelling or misstatement of one or more titles of offices, names of candidates, or parties or policies represented by them, were so defective, as to the office in contest, as to be calculated to mislead the voters in regard to any of the candidates for said office, and that the defective condition of said ballots may have affected the result of the entire election for such office, the election shall be declared invalid as to said office. (Act Apr. 21, 1939, c. 345, Pt. 7, c. 1, §10.)

Reenactment of §492.

PART EIGHT VOTING MACHINES

CHAPTER 1

601-8(1). Municipal corporations may provide for voting machines.—The governing body of any municipal corporation, at any regular meeting thereof, or at any special meeting called for that purpose, may provide for the use of voting machines in any one or more districts thereof, at all elections to be held therein. No such machine shall be adopted or used unless it be so constructed and operated as to insure the secrecy of each vote, and to automatically register and count all votes given, and to conceal the number of votes for each candidate and upon each proposition from the opening of the polls to the closing thereof. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §1.)

Reenactment of §509.

601-8(1)a. May use experimental machines.—The governing body of any municipal corporation may provide for the experimental use of voting machines in one or more districts without formal adoption thereof; and the use of said voting machines at such election shall be as valid for all purposes as if the machines had been permanently adopted.

Whenever the governing body of any municipal corporation shall determine to use such machines, it shall, at a regular or special meeting held not less than 30 days before the election, prescribe suitable rules and instructions, not inconsistent with the provisions of this chapter, for using the same, submit the same to the attorney general for his approval, and, when approved by him, cause notice thereof to be given as in the case of election notices. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §2.)

Reenactment of §510.

601-8(1)b. Bond for upkeep of machines.—No payment shall be made upon the purchase price of any

such machine until the vendor thereof shall have filed with the secretary of state a bond with sufficient sureties, specifying such machine by its number, and conditioned to keep the same in good working order, at his own expense, for five years. The penalty of such bond shall be at least \$200.00, and upon a breach thereof the amount of such penalty shall be the measure of damages recoverable by the purchaser. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §3.)

Reenactment of §511.

601-8(1)c. Judges.—In districts where one voting machine is used three judges shall be appointed, and in districts where more than one voting machine is used one additional judge may be appointed for each additional voting machine used therein. In all districts where voting machines are used the services of the clerks shall be dispensed with and such duties as are by law assigned to the clerks shall be assumed by the judges. The judges shall enforce the rules prescribed for the use of such voting machines, and carry out all of the provisions of this chapter relating to the elections, except such as are rendered inapplicable by the use of such machines. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §4.)

Reenactment of §512.

601-8(1)d. May use machines in one or all districts.—The governing body of any municipal corporation in this state may provide for the use of voting machines in all or one or more districts thereof at all elections to be held therein; and at such elections, the vote or ballot may be had and taken, and the votes cast thereat registered or recorded and counted, and the results of such election or elections ascertained by the use of voting machines instead of in the mode and manner now established by law; provided, however, that the adoption, examination, purchase and use of such machines and their use at such elections, shall be subject to the provisions herein contained. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §5.)

Reenactment of §513.

601-8(1)e. Arrangement of names of candidates.—Where voting machines are authorized and employed, the titles of offices may be arranged horizontally with the names of the candidates arranged vertically under the title of the office, or the titles of the offices may be arranged vertically with the names of the candidates arranged horizontally opposite the respective titles. More than one column or row may be used for the same office or party. Questions, constitutional amendments or other propositions shall be placed on the machines in the space provided for that purpose and shall be arranged in the manner which the construction of the machine requires.

The provisions of the election laws requiring the alternation of the names of candidates shall be observed so far as practicable by changing the order of the names on the voting machines in the various districts so that each name shall appear upon the several machines used in a given municipal corporation substantially an equal number of times at the top, at the bottom, and in each intermediate place, if any of the list or group in which they belong; provided, however, that the arrangement of the names shall be the same on each voting machine used in the same district.

For presidential electors one device may be provided for voting for all the candidates of one political party at one time by the use of such device, under or adjacent to which shall be a ballot on the machine containing only the names of the candidates for president and vice president of that party, preceded by the party's name, and a vote registered or recorded by the use of such device shall be counted for each of the candidates for presidential electors of such party.

The machine adopted or employed must be so constructed as to insure to every elector an opportunity to vote in secret; to permit him to vote once and

only once for all the candidates and upon all the propositions for whom or upon which he is legally entitled to vote; to permit him to vote by means of some devices connected with the mechanism of the machine, for any person for any office elective by the voters of his district at such election, although such person has not been regularly nominated for such office by any political party, and his name does not appear upon the ballot form on or in such machines as a candidate for such office; to prevent the elector from voting for more than one person for the same office, unless he is lawfully entitled to vote for more than one person therefor, and in that event to limit him to the number to be elected to that office; to prevent him at a primary election, from voting for the nomination of candidates of more than one party, or for any person whose name is not on the official ballot at such election; to prevent him from voting for any office or upon any proposed amendment, question or proposition, for whom or upon which he is not lawfully entitled to vote; to permit him to change or retract any vote he has attempted to cast for any candidate for any office or upon any proposition up to the time his vote has been completed, and his vote in favor of such person or proposition has been registered thereon. No machine which does not comply with these requirements shall be approved, authorized or employed; except that machines may be used which are not so constructed as to permit a voter to change from one party to another in a party primary or to retract a vote cast on the irregular ballot device. In such cases the voter shall be required to first return all voting levers to the unvoted position and remove, cross out or erase any vote recorded on the irregular ballot device, as the case may be, and shall then call upon the election officials to witness that it has been done, and they shall then cause the voting machine to be returned to the original unvoted position and shall permit the voter to begin from the beginning once more. Such operation of the voting machine under such conditions as in this paragraph mentioned shall be designated as a spoiled voting machine ballot and the election officials present shall make out and sign a certificate stating the facts for each such case which shall be returned with the official returns of the election. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §6.)

Reenactment of §514.

Approval of a voting machine prior to passage of this act would not be effective unless the machine complies with new requirements. Op. Atty. Gen. (518), August 30, 1939.

601-8(1)f. Minnesota Voting Machine Commission created.—There is hereby created a body to be known as "The Minnesota Voting Machine Commission," consisting of three members, including the attorney general, who shall be chairman.

Within 30 days after the passage of this act, there shall be appointed as members of said commission, two competent and responsible persons, who shall be master mechanics or graduates of a school of mechanical engineering.

The governor shall appoint one of the said members and the attorney general the other.

None of the members of said commission shall, directly or indirectly, have any pecuniary interest in any voting machine. The said appointees shall serve for a term of four years from the date of appointment and until their successors are in like manner appointed. The appointing power may fill vacancies in said commission. The said members of said commissions so appointed shall qualify without delay by taking and filing with the secretary of state an oath of office in writing in the usual form, and shall elect one of their members to be secretary and one to be treasurer.

Any person, company or corporation, owning or being interested in any voting machine may apply to said commission to examine such machine and to report as to its compliance with the requirements of the law and on its accuracy, durability, efficiency and

capacity to register the will of the electors. The commission shall thereupon examine the machine so submitted, and make and file its report thereon. Said examination shall not be required as to each individual machine, but only as to each particular kind of type of machine, before its adoption, use or purchase as provided herein.

The report of said commission shall be signed by the attorney general and at least one other member, and shall be filed with the secretary of state within ten days after the close of said examination.

If, from said report, it shall appear that, in the opinion of the commission, the kind of machine so examined complies with the requirements of this chapter and can be used safely at elections in this state, under the conditions prescribed by this chapter, and by the laws of the state where the same do not conflict herewith, then the said machine shall be deemed approved by the said commission, and machines of its kind may be adopted and purchased for use, and may be used at elections in this state as herein provided. No form of voting machine not so approved may be used at any election in this state.

As the examination fee herein, said application shall be accompanied by the sum of \$150.00. After there has been deducted and paid out of said sum all expenses incurred by said commission in the discharge of its duties herein the balance shall, at such time as the commission may decide, be paid in equal parts to the members of the said commission other than the attorney general as full compensation for their services and expense herein. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §7.)

Reenactment of §515.

601-8(1)g. Officers to provide ballot labels, diagrams, etc., for voting machines.—The same authorities as are charged with providing paper ballots when such are used shall be required to provide all ballot labels, diagrams, sample ballots, return sheets and all other necessary supplies needed for the voting machines.

All ballots (or ballot labels) shall be printed in black ink on clear white material of such size as will fit the ballot frame of the voting machine, and in as plain clear type as the space will reasonably permit.

The authorities charged with the duty of providing ballots for any polling place where voting machines are used shall provide therefor at least two sample ballots which shall be arranged in the form of a diagram showing such part of the face of the voting machine as shall be in use at that election. Such sample ballots shall be either in full or reduced size and shall contain suitable illustrated directions for voting on the voting machine. Not less than two such sample ballots shall be posted in a prominent place in the polling place and shall remain open to inspection by the voters throughout the election day. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §8.)

Reenactment of §516.

601-8(1)h. May purchase voting machines.—The governing body of each municipal corporation in this state is hereby authorized to purchase for the use of each district in which it has authorized the use of voting machines, one or more such machines in complete working order, and to make suitable provision for the adjustment, custody and care thereof. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §9.)

Reenactment of §517.

601-8(1)i. Districts may be changed.—The districts in which voting machines are to be used may be enlarged, reduced or reformed in the manner prescribed in this act, so that each district shall, when so first formed, contain not to exceed 600 registered voters for each voting machine to be used therein. More than one voting machine may be used in any district. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §10.)

Reenactment of §518.

601-8(1)j. Payment for machines.—Payment of such machines may be provided for in such manner

as is deemed for the best interests of the political division adopting and purchasing them, and each municipal corporation is hereby authorized for said purpose, to appropriate money from the general fund, to levy a tax in the same manner as other taxes are levied or to issue and sell bonds or other certificates of indebtedness, which shall be a charge upon such municipal corporation so adopting and purchasing such voting machines, and to provide for the payment and redemption thereof, at maturity. Such bonds or other certificates of indebtedness may be issued by a majority vote of the governing body of the municipal corporation adopting and purchasing such voting machines, notwithstanding any provision contained in any home rule charter or law of this state.

The bonds or certificates of indebtedness so issued may bear interest at a rate not exceeding six per cent per annum and may be made payable at such time not exceeding 20 years from the date thereof, as may be determined by the resolution or ordinance authorizing the issue thereof, and may be issued exclusive of and in addition to any limit of indebtedness fixed by the charter of such municipal corporation, or by the laws of this state for such municipal corporation, but such bonds or certificates of indebtedness shall not be issued or sold at less than par and accrued interest thereon.

Each municipal corporation may, by a majority vote of its governing body, enter into a contract for the purchase of voting machines on a rental-purchase or deferred payment plan. Such contracts may provide for the annual rental of the voting machines at a definite amount with such annual rentals applied towards the purchase price of the voting machines. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §11.)

Reenactment of §519.

601-8(1)k. Not to affect laws applicable.—All laws and parts of laws now in force in this state relating to state, county, city, village and town elections so far as applicable to the use of voting machines, shall remain in full force and effect, and all laws and parts of laws inconsistent herewith shall be suspended in each election district wherein such voting machines are used, so long as the same shall be used therein. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §12.)

Reenactment of §520.

601-8(1)l. Willful injury or destruction of machine to be felony.—Any person who shall willfully injure or attempt to injure, or render ineffectual, any voting machine provided in accordance with the provisions of this chapter, or who shall violate any of the provisions hereof, shall be guilty of a felony and punished accordingly. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §13.)

Reenactment of §521.

601-8(1)m. May be used at all elections.—Where voting machines shall be provided in the manner permitted by law, such voting machines may be used at all elections, insofar as the use of the same is applicable, and not inconsistent with this chapter. If the mechanism of such machines will not permit the voter to record his vote in the manner provided by this chapter, said machines may be used in the manner now provided by law so far as is applicable, and as to offices to which such voting machines will not apply, separate paper ballots conforming with the law shall be used. All votes on voting machines shall be recorded and counted and the results thereof ascertained, canvassed and returned as provided by this chapter. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §14.)

Reenactment of §522.

601-8(1)n. Custodian of machines.—Immediately after the installation of voting machines in any municipal corporation the governing body thereof shall appoint as many custodians as may be necessary for the proper preparation of the machines for an election and for their maintenance, storage and care. Such custodian or custodians, under the direction of the governing body of the municipal corporation installing

the voting machines, together with the proper officials of such municipal corporation, having charge of the conduct of elections therein, shall have charge of and represent said authorities during the preparation of the voting machines and shall serve at the pleasure of the governing body of the municipal corporation. It shall be the duty of the custodian or custodians, after the machines have been prepared for the election, to cause the same to be delivered to each of the respective polling places in which they are to be used at least 12 hours before the time set for the opening of the polls and set them in proper manner for use at the election. The custodians of voting machines shall be paid for their services commensurate with the work required and their compensation shall be fixed by the governing body of the municipal corporation appointing them. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §15.)

601-8(1)o. Officials to prepare proper ballot labels.—It shall be the duty of the proper authority having direct charge of elections in each municipal corporation where voting machines are to be used to cause the proper ballot labels to be placed on the voting machines and to place said machines in proper order for voting. Said authorities shall examine all voting machines before they are sent out to the different polling places, to see that all the registering counters are set at zero (000), to lock all voting machines so that the counting mechanism cannot be operated, and to seal each voting machine with a numbered seal and to make a written record thereof.

Before preparing the voting machines for any election written notices shall be mailed to the chairman of the county committee of each political party stating the times when and the place or places where the voting machines will be prepared, at which times and places one representative of each such political party designated by the respective chairman of such county committee of such party shall be entitled to be present and see that the machines are properly prepared and placed in proper condition and order for use at the election. In non-partisan primaries and elections each candidate may designate one representative who shall have the same powers as the political party representatives.

When the machines have been prepared for the election it shall be the duty of the custodians and political party or candidate representatives, to make a certificate in writing which shall be filed in the office of the proper authority having charge of the conduct of elections in such municipal corporation, stating the serial number of each machine, whether or not all registering counters have been set at zero (000), the number registered on the protective counter and the number on the metal seal with which the machine is sealed. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §16.)

601-8(1)p. Canvassing board to inspect machines.—It shall be the duty of the canvassing board in any municipal corporation of this state wherein voting machines shall be used in any election, at the time it convenes to canvass the election returns of any election wherein voting machines shall have been used within such municipal corporation, or as soon thereafter as it conveniently can do so, and before it proceeds to canvass such returns, to inspect the registering counter, or other mechanical recording device on any such voting machines showing the number of votes cast for any candidate or proposition voted on at any such election and any irregular ballots recorded thereon or therein, and to compare the number of votes so shown by such voting machines to have been cast for each candidate voted for on and by such voting machines and each proposition submitted to the voters voting thereon or thereby with the returns made by the election officers of the several districts in which said voting machines were used at such election and in case there is a discrepancy between the returns so made by such election officers and the number of votes shown by such voting machines on such

inspection, then and in such case it shall be the duty of such canvassing board to correct such returns as to all candidates and propositions, the returns with reference to which are to be canvassed by it, so made by such district election officers, so as to make such election returns conform to the vote so shown by such machines on such inspection as aforesaid and such corrected returns shall thereupon and thereafter be regarded and deemed by such canvassing board as the true and correct return of the number of votes cast for each candidate voted for and each proposition voted on, in the district the returns from which shall have been so corrected by such canvassing board. After correcting such returns the canvassing board shall proceed to the performance of its duties as now provided by law.

In case of any election contest the returns of the election officers, as corrected by the canvassing board as aforesaid, shall be prima facie evidence of the vote cast for each candidate and on each proposition voted on at any election, to the same extent and in the same manner, and not otherwise, as is the return of the election officers in districts where voting machines are not used. For the purpose of inspecting such voting machines such canvassing board may adjourn its sessions from time to time as occasion may require and may hold its sessions at any place within the county where the voting machines are usually kept and stored. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §17.)

Reenactment of §525.

601-8(1)q. Instruction to judges.—Not more than 21 days before each election and primary at which a voting machine is to be used, there shall be held under the direction of the proper authority having charge of the conduct of the elections, a meeting or meetings for the purpose of instructing the judges about the operation of the voting machine and the duties of election officials when voting machines are used. Each judge serving in a district where voting machines are used, shall attend one such meeting preceding each election at which such judge is to serve, and shall receive a certificate showing that he has attended such instruction meeting and has been found qualified to serve. Each judge, who shall attend such instruction meeting and shall qualify and serve at an election, shall receive the sum of one dollar for the time spent in receiving such instruction, in addition to car or railroad fare in going to or returning from such meeting, which shall be paid at the same time and in the same manner as the payment for serving on election day. Such certificate shall not be issued to any person unless he has attended an instruction meeting and been found qualified and no person shall be eligible to serve as judge unless he has first received a certificate as herein provided. In case of emergency, when an insufficient number of certified judges are available for the proper conduct of the election there shall be appointed a sufficient number of judges to conduct such election, although such judges have not received the required certificate; provided, however, that no person shall be appointed a judge who is not a qualified voter in the district to which he is appointed as such judge.

The authorities in charge of elections shall provide adequate facilities for the instruction of voters prior to an election and they shall cause to be placed in one or more convenient locations a voting machine with sample ballot labels affixed for the purpose of instructing voters in the operation of the machine. If the ballot labels that are used for this purpose are the same that will be used for the succeeding election the counting mechanism of the machine shall be concealed from view until the machine is prepared for the election and if the machine or machines are not used at the election the counting mechanism shall remain concealed from view until after the election.

The judges of each district shall meet at the polling place at least one hour before the time for opening the polls. The keys to the voting machines shall be

delivered to one of the judges at least one hour before the time set for opening the polls in a sealed envelope on which shall be recorded the location and number of the voting machine, the number of the seal, and the number registered on the protective counter as reported by the custodian. The envelope containing the keys shall not be opened until the election officers of said district have examined the same to see that it has not been opened and shall have ascertained that the number registered on the protective counter and the numbers on the seals with which the machine is sealed correspond with the numbers recorded on the envelope containing the keys. If the envelope appears to have been opened, or if the numbers do not agree, or if the numbered metal seal is broken or has been tampered with, or if any other discrepancy is found, the judges shall immediately notify the custodian or other authorized person who shall present himself at the polling place and re-examine such machine and if found to be properly arranged and in order to so certify. If the numbers on the seals and on the protective counter are found to agree with the numbers on the envelope, the judges shall then open the door concealing the registering counters and carefully examine every counter to see that it registers zero (000) and shall also allow the watchers to examine them. The judges shall then compare the ballot labels on the voting machine with the statements of canvass and sample ballots furnished, and see that the names and numbers, and letters, if any, thereon agree. The judges shall then sign a certificate showing the delivery of the keys in a sealed envelope, the number on the seal or seals, the number registered on the protective counter, that all the registering counters are set at zero (000), and that the ballot labels are properly placed in the machine. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §18.)

Reenactment of §527.

601-8(1)r. Machines to be accessible to one voter at a time.—The voting machine or machines shall be so placed and protected that each such machine shall be accessible to only one voter at a time and in full view of all of the election officers and watchers at the polling place. A judge shall inspect the face of each voting machine after each voter has voted to see that the ballot labels are in their proper places and that the machine has not been injured or tampered with. During elections the door or other compartment of the machine shall not be unlocked or opened or the counters exposed except by a custodian or other authorized person, a statement of which shall be made and signed by the custodian or authorized person and attached to the returns.

For the instruction of the voters there shall be, so far as practicable in each polling place, at least one mechanical model being a mechanical reproduction of a portion of the face of the voting machine. Such model furnished shall be located during the election in some place which the voter must pass to reach the machine and every voter before entering the booth shall be instructed regarding its operation and such instruction illustrated on the model and the voter given the opportunity to personally operate the model. The voter's attention shall also be called to the diagram on the face of the machine so that the voter can become familiar with the location of the questions and the names of the offices and candidates. At least one judge shall remain in constant attendance at the instruction model and diagram and occupy himself at all times with the duties of instructing the voters. If any voter after entering the voting machine booth shall ask for additional instruction in operating the machine such instruction shall be given him by two judges belonging to opposite political parties, if such there be. After giving such instruction such judges shall retire from the voting machine booth and such voter shall thereafter proceed to vote alone and in secrecy. If any voter at a primary election after entering the voting machine booth and setting the pri-

mary lever of a party so as to release the candidates of such party for voting, and turning down levers over the names of candidates, but before recording the votes for any candidates, shall state to the judges that he wishes to enter the primary of a different political party, the entire election board shall go to such machine and shall see that all voting levers have been returned to the unvoted position so that no votes may be cast for any candidates or for or against any questions or other propositions, and such voter shall then be permitted to return the operating lever to its original position and start from the beginning once more. In each such case the entire election board shall sign a certificate stating what was done and such certificate shall be returned with the official returns of the primary.

When any voter states under oath that he cannot read English, or that he is physically unable to operate the voting machine in order to record his vote thereon, he may call to his aid one or more of the judges, who shall prepare his ballot on the machine as he may desire, and in as secret a manner as circumstances permit. When he also states that he cannot speak the English language or understand it when spoken, the judges may select two persons from different political parties to act as interpreters, who shall take an oath similar to that taken by the judges, and assist such person in voting. When the voter shall prefer, he may call to his aid any voter of the same district, who, unaccompanied by a judge, may retire with him to the voting machine booth and prepare such voter's ballot on such voting machine for him; but no such person shall prepare the ballot of more than three such voters at one election. Before registering his vote such voter shall show his ballot, as prepared for recording, privately to a judge to ascertain that it is prepared as directed; but a physically disabled voter, who is able to determine for himself, need not show his ballot as prepared for recording. No judge or other person so assisting a voter shall in any manner request, persuade, or induce, or attempt to persuade such voter to vote for any particular political party or candidate, but shall prepare the ballot as requested, and shall not reveal to any other person the name of any candidate for whom the voter has voted, or anything that took place while so assisting him.

The judges shall admit but one voter to the voting machine at one time and only after it has been ascertained that he is entitled to vote. The voting on the voting machine shall be secret except as herein provided for voters needing assistance and no voter shall remain within the voting machine booth longer than three minutes and if he shall refuse to leave it after the lapse of three minutes he shall be removed by the judges.

If the official ballots at a district at which a voting machine is to be used are not delivered at the time required, or if after delivery they shall become lost, destroyed or stolen the judges shall immediately notify the clerk or other authority under whose direction the ballots are printed who shall cause other ballots to be prepared, printed, or written as nearly in the form of the official ballot as practicable. The judges shall cause such substituted ballots to be used in the same manner as the official ballots.

Ballots cast for persons not nominated by the use of the machine device provided for that purpose shall be designated irregular ballots.

If any voting machine being used in any election shall become out of order during such election it shall be repaired if possible or another machine substituted as promptly as possible. In case such substitution or repair cannot be made, paper ballots printed or written, and of any suitable form may be used for the taking of votes and for such purpose voting machine sample ballots may be used. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §19.)

601-8(1)s. Judges to lock and seal machines after polls are closed.—As soon as the polls of the election are closed, the judges shall immediately lock or lock and seal each voting machine against voting. The judges shall then sign a certificate stating that each machine has been locked against voting or locked and sealed; the number of voters as shown on the public counter; the number on the seal; the number registered on the protective counter. The judges shall then open the counter compartment in the presence of the watchers and any other persons who may lawfully be present in the polling place, giving full view of all the counter numbers. One of the judges shall, under the scrutiny of the judge of a different political party, if such there be, if more than three judges be serving in such district, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the designating number and letter, if any, on each counter for each candidate's name, the result as shown by the counter numbers, and shall then read the votes recorded for each office on the irregular ballots. He shall also in the same manner announce the vote on each constitutional amendment, proposition or other question. As each vote total is announced from the counter of the machine, it shall immediately be entered on the duplicate statements of canvass, in figures only, in ink, by two judges of different political parties, if such there be, in the same order on the space which has the same designating number and letter, if any, after which the figures shall be verified by being called off from the counters in the same manner as heretofore by a judge who recorded the totals on a statement of canvass during the original canvass of the results. If more than three judges are serving in such district, the other judge who recorded the totals on a statement of canvass during the original canvass shall act as watcher at the machine counters during the verification of the results. Each judge shall then sign a certificate which shall be a part of the statement of canvass stating that the results as shown on the statement of canvass are the true and correct results of the election, that the canvass has been completed in accordance with the law as herein provided. After the proclamation of the vote, ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine and any necessary corrections shall then and there be made by the judges. If absent voters' ballots have been voted, such ballots shall be canvassed and counted, the vote thereon for each candidate announced and added to the vote as recorded on the statement of canvass of votes cast by machine. Absent voters' ballots and irregular ballots, inclosed in properly sealed packages respectively, and properly endorsed, shall be filed with the original statement of canvass. The judge filing the returns shall deliver to the said board or officer from whom they were received, the keys to each voting machine, inclosed in a sealed envelope having endorsed thereon a certificate of the judges stating the number of each machine, the district where it has been used, the number of the seal, if any, and the number of the protective counter.

In each district where voting machines are used, statements of canvass shall be printed to conform with the type of voting machine used. The designating number and letter, if any, on the counter for each candidate shall be printed next to the candidate's name on the statements of canvass. The arrangement of the names on the statements of canvass for each district shall conform exactly with the arrangement of the names on the voting machines to be used in such district. Such statements of canvass shall provide for the entry of the number of votes for each candidate and the "yes" and "no" of each question as shown on each machine used in the district; also for the absent voters' ballots and total number of votes, by such ballots and by machine, for each candidate and upon each question.

The voting machines shall remain locked against use for a period of at least 30 days and as much longer as may be necessary or advisable because of any existing or threatened contest over the result of the election, except that any voting machine may be opened and all data and figures therein examined upon the order of any judge of a court having jurisdiction; provided, however, that any voting machine used at a primary election may be opened ten days following such primary election if such opening becomes necessary in order to prepare the voting machine so used at such primary election for an election which is to be held on a day which is within 40 days after the day upon which such primary election is held.

Irregular ballots shall be preserved for six months after such election and the packages thereof may be opened and the contents thereof examined only upon an order of a judge of a court having jurisdiction, and after the expiration of such time, such ballots may be disposed of in the discretion of the officer or board having charge of them.

The municipal corporation adopting the machines shall have the custody thereof when not in use at an election and shall preserve and keep them in repair. All keys for voting machines shall be securely preserved under lock and key by the officer having them in charge. A public officer, who by any provision of law is entitled to the custody of the machine for any period of time, shall be entitled to the keys thereof for such machines in his charge. It shall be unlawful for any unauthorized person to have in his possession any keys of any voting machine; and all election officers or persons intrusted with such keys for election purposes or in preparation of the machine therefor shall not retain them longer than necessary to use them for such legal purpose. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §20.)

Reenactment of §527.

601-8(1)t. Definitions.—The word "Ballot" or "Ballot Labels," as used in this chapter, shall be defined as that portion of the cardboard, paper or other material, within the ballot frames, containing the name of the candidate, the office title, party designation, or a statement of a proposed constitutional amendment or other question or proposition, with the word "Yes" for voting for any question or the word "No" for voting against any question.

The term "question" means a statement of any constitutional amendment, proposition or other question appearing on the machine and to be submitted to the voters at any election.

The term "protective counter" means the separate counter built into the voting machine which cannot be reset, and which records the total number of movements of the operating mechanism.

The term "public counter" means the counter which shows during any period of voting the total number of voters who have operated the machine during said period of voting.

The term "primary lever" means the lever which the voter must operate in a political party primary to unlock the voting levers assigned to the candidates of the political party in the primary of which the voter wishes to vote.

The term "voting lever" means the lever which the voter must turn down over the name of the candidate and leave there in order to cast a vote for the candidate.

The term "operating lever" means the lever which the voter must move to the right to close the curtains of the machine and to unlock the machine to permit voting thereon, and which the voter must move to the left to open the curtains of the machine and to record his vote. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §21.)

601-8(1)u. Violations—Penalties.—Any person who shall violate any of the rules and regulations adopted by the governing body of any municipal corporation where voting machines are used, providing for the

conduct of elections and primaries, or who shall violate any of the provisions of this chapter shall be guilty of a felony and upon conviction shall be punished by a fine of not more than \$1,000, or by imprisonment in the state prison by not more than one year. (Act Apr. 21, 1939, c. 345, Pt. 8, c. 1, §22.)

Reenactment of §530.

PART NINE PENAL PROVISIONS

CHAPTER 1.

601-9(1). Certain acts to constitute felony.—Every person who causes or attempts to cause his name to be registered in more than one district, or in any district, knowing that he is not a qualified voter thereof, or who falsely represents himself to be a person other than he is, when attempting to register for the purpose of voting at any election, or when applying for a ballot or offering his ballot to be deposited in a ballot box, or when offering to vote by means of a voting machine or otherwise, whether the person he represents himself to be is living or dead, or a fictitious person, and every person who aids, abets, counsels, or procures any other person to do any of the acts herein mentioned, shall be guilty of a felony. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §1.)

Reenactment of §580.

601-9(1)a. Same.—Every person who wrongfully delivers to a judge, to be placed in a box, more than one ballot of the same kind and color, or who fraudulently puts a ballot into any box, or who, not being a qualified voter, votes at any election with unlawful intent, or who votes more than once at the same election, or who procures, aids, assists, or advises another to go into any county, town or district for the purpose of voting, knowing that such person is not qualified to vote therein, shall be guilty of a felony. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §2.)

Reenactment of §581.

601-9(1)b. Same.—Every person who wilfully, directly or indirectly, pays, gives, or lends any money or other thing of value, or who offers, promises, or endeavors to procure any money, place, employment, or other valuable consideration, to or for any voter, or to or for any other person, in order to induce any voter to refrain from voting, or to vote in any particular way, at any election, shall be guilty of a felony. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §3.)

Reenactment of §582.

601-9(1)c. Same.—Every person who directly or indirectly advances, pays, contributes, furnishes, or pledges any valuable thing or consideration, or causes the same to be done, to or for the use of any other person, with the intent that such advancement, payment, contribution, pledge, or any part thereof, shall be expended or used in bribery at any election, or in fulfillment of any promised bribe, shall be guilty of a felony. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §4.)

Reenactment of §583.

601-9(1)d. Certain acts by officers or others to constitute gross misdemeanor.—Every judge, clerk, officer, or other person, who, within or without any polling place, directly or indirectly uses or threatens to use any force, violence, or restraint, or causes or threatens to cause any damage, harm, or loss to any person, with intent to induce, or in any way attempts to induce or compel, such person, or any other person, to vote or refrain from voting at any election, or to vote in any particular way, or who within any polling room, or in any booth or room connected therewith, or within 100 feet from the entrance to any such polling place, asks, persuades, or endeavors to persuade any person to vote for or against any particular candidate, party, or proposition, or who, by abduction, duress, or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise at any election, or who by any such means, compels, induces, or prevails upon any voter either to give or

refrain from giving his vote at any election, shall be guilty of a gross misdemeanor. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §5.)

Reenactment of §585.

601-9(1)e. Certain acts to constitute gross misdemeanor.—Every person who tears down, mutilates, defaces, or otherwise injures any list of names or card of instructions to voters posted or otherwise placed outside or inside of any polling place or booth by any board of registration or other official, or who, before the closing of the polls, removes from the polling place any ballots printed for use at such election, or any supplies or conveniences placed in or about any booth for the use of voters in preparing their ballots, shall be guilty of a gross misdemeanor. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §6.)

Reenactment of §586.

601-9(1)f. Certain acts to be felony.—Every person who shall wilfully take or carry away from any polling place, or deface, mutilate, damage, or add to any ballot, list, or election register or any name or figure therein, shall be guilty of a felony. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §7.)

Reenactment of §587.

601-9(1)g. Failure to deliver certificate of nomination a misdemeanor.—Every secretary of a delegate convention who fails or neglects to immediately deliver, to the officer charged with the printing of the ballots upon which the name of a candidate of such convention is to be placed, the certificate of nomination of such candidate, shall be guilty of a misdemeanor. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §8.)

Reenactment of §589.

601-9(1)h. Certain acts to be felony.—Every person authorized to print, or employed in printing, official ballots, who knowingly gives or delivers any of such ballots to, or knowingly permits any of the same to be taken by, any person other than the official under whose direction they are being printed, or knowingly prints or causes or permits to be printed any ballot in a form other than that prescribed by law, or with any other names thereon, or with the names spelled or the names of officers arranged thereon in any way other than that authorized and directed by said official, shall be guilty of a felony. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §9.)

Reenactment of §590.

601-9(1)i. Certain acts to be gross misdemeanor.—Every person who writes, prints, posts, or distributes, or causes to be written, printed, posted, or distributed, any circular, poster, or other written or printed matter, which is designed or tends to injure or defeat any candidate for nomination or election to a public office by reflecting on his personal or political character or acts, shall be guilty of a gross misdemeanor. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §10.)

Reenactment of §591.

601-9(1)j. Same.—Every person who as principal or as an official or agent of any other person, shall directly or indirectly refuse, abridge, or in any manner interfere with any of the election privileges or immunities of any employee of himself or his principal, shall be guilty of a misdemeanor. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §11.)

Reenactment of §592.

601-9(1)k. Same.—Every person, except a judge or clerk, who during any canvass of votes shall handle, touch, or interfere with any of the ballots being canvassed, and every judge or clerk permitting the same to be done, shall be guilty of a misdemeanor. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §12.)

Reenactment of §593.

601-9(1)l. Same.—Every election official or other person who marks the ballot of any voter, except in the cases and in the manner provided by law, or who informs any person other than such voter how any such ballot was marked, shall be guilty of a gross

misdemeanor. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §13.)

Reenactment of §594.

601-9(1)m. Certain acts to be felony.—Every election officer or other person required by law to safely keep and produce on election day the ballots intrusted to him, or to perform any other act, who willfully fails or refuses to do the thing so required, or who is required by law to abstain from any act, and wilfully does such act, or who in either of such cases is guilty of any fraud, corruption, partiality or misbehavior in conducting or aiding in the conduct of any election, or in canvassing or making returns of votes, or who wrongfully refuses to make or deliver any certificate of election, or who falsely or corruptly performs any required act, the punishment whereof has not been otherwise expressly provided for by law, shall be guilty of a felony. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §14.)

Reenactment of §595.

601-9(1)n. Same.—Every messenger appointed by authority of law to receive and carry a report, certificate, or certified copy of any statement relating to the result of any election, who shall wilfully mutilate, tear, deface, obliterate, or destroy the same, or do any other act which shall prevent the delivery of it as required by law, and every person who shall accept or take away from such messenger any such report, certificate, or copy, with intent to prevent its delivery, or who shall wilfully do any injury or act herein specified, shall be guilty of a felony. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §15.)

Reenactment of §596.

601-9(1)o. Certain acts to be misdemeanor.—Every candidate for nomination or election to a public office, who within ten days before any primary held to nominate, or to elect delegates to a convention called to nominate, a candidate for such office, or who within 60 days before the election at which an incumbent is to be chosen for such office, directly or indirectly, gives or provides, or pays, wholly or partly, or promises to pay, wholly or partly, the expense of giving or providing any food, drink, or entertainment to or for any person with intent to corruptly influence such person, or any other person, to give or refrain from giving his vote at such election, or to vote or refrain from voting in a particular way, shall be guilty of a misdemeanor. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §16.)

Reenactment of §597.

601-9(1)p. Same.—Every treasurer or other person who receives any money to be applied to any of the election purposes for which expenditures are permitted by law, who fails to file the statement and account respecting the same required by this act within the time prescribed, shall be guilty of a misdemeanor. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §17.)

Reenactment of §598.

601-9(1)q. Same.—Every such treasurer or other person who receives any money to be applied to the purposes aforesaid, who fails to keep a correct book of account containing all the statements and details required by law, with intent to conceal the receipt or disbursement of any sum of money received or disbursed by him or by any other person, or the purpose for which the same was received or disbursed, or to conceal the existence of any unpaid debt or obligation, or the amount thereof, or to whom the same is due, in detail, or who shall mutilate, deface, or destroy such book with like intent, shall be guilty of a misdemeanor. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §18.)

Reenactment of §599.

601-9(1)r. Certain acts to be gross misdemeanor.—Every candidate for nomination or election to any elective office, or to the office of United States senator, who fails to make and file the verified statement of moneys contributed, disbursed, expended, or promised by him, or by any other person, committee, or

organization for him, so far as he can learn, in the manner, within the time, and with the details required by law, or who enters upon the duties of any such office, or receives any salary or emolument therefrom, before he has so filed such statement, and every officer who issues a commission or certificate of election to any person before such statement shall have been so filed, shall be guilty of a gross misdemeanor. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §19.)
Reenactment of §600.

601-9(1)s. Certain acts of corporations to be felonies—Penalties.—It shall be unlawful for any corporations organized for pecuniary profit that are the subjects of public supervision to make a contribution of moneys from its corporation funds to any political committee or to any person for the purpose of aiding in carrying on any political canvass for the nomination or election of any person or persons to any office whatever. Any officer, stockholder, agent or employee of any such corporation who shall take part in or consent to the making of a contribution of moneys or of any other thing of value contrary to the provisions of this act, shall be guilty of a felony and shall be fined not exceeding \$1,000.00 or be imprisoned in the state prison not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. (Act Apr. 21, 1939, c. 345, Pt. 9, c. 1, §20.)
Reenactment of §601.

PART TEN CORRUPT PRACTICES

Chapter 1

601-10(1). Definitions and construction of terms.—The following words and phrases as used in this act shall be construed as follows:

(1) Any act shall be deemed to have been for "political purposes" when the act is of a nature, is done with the intent, or is done in such way, as to influence or tend to influence, directly or indirectly, voting at any primary or election or on account of any person having voted, or refrained from voting, or being about to vote or refrain from voting at any election or primary.

(2) The term "candidate" shall mean and include every person for whom it is contemplated or desired that votes may be cast at any election or primary, and who either tacitly or expressly consent to be so considered, except candidates for president and vice president of the United States.

(3) The term "disbursements" shall mean and include every act by or through which any money, property, office or position or other thing of value passes or is directly or indirectly conveyed, given, promised, paid, expended, pledged, contributed or lent, and also any money, property, office or position or other thing of value so given, provided, paid, expended, promised, pledged, contributed or lent.

(4) The term "filing office," when used with reference to any candidate, shall be construed to mean the officer who is authorized by law to issue a certificate of nomination or election to such candidate if he be successful. If there be no officer authorized to issue such certificate of nomination or election, then such term shall be construed to mean the clerk of the town, city or village in which such candidate resides.

(5) The term "personal campaign committee" shall mean any committee appointed by a candidate for any election.

(6) The term "party committee" shall mean any committee appointed or elected to represent any political party with a party organization in this state.

(7) Every two or more persons elected or appointed by any political party or association for the purpose, wholly or partly, of raising, collecting, or disbursing money, or directing the raising, collecting or disbursing thereof, for nomination or election purposes, and every two or more persons who shall cooperate in the raising, collecting, or disbursing of

money used, or to be used for or against the election to public office of any person or any class or number of persons, or for or against the adoption of any law, ordinance, or constitutional amendment, shall be deemed a "political committee" within the meaning of this chapter.

(8) The term "committee" shall mean any personal campaign committee, party committee, or political committee, unless the intent is clearly shown to be otherwise. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §1.)

Reenactment of §577.

601-10(1)a. What are corrupt practices—Legal expenses.—No candidate for the nomination or election to any elective office in this state coming within the provisions of this act shall directly or indirectly pay, expend, or contribute any money or other valuable thing, or promise to do so, except for the following purposes, which are hereby declared to be legal expenses:

(1) For the candidates' necessary personal traveling expenses; for postage, telegraph, telephone, or other public messenger service.

(2) For rent and necessary furnishing of hall or room during such candidacy, for the delivery of speeches, and for radio broadcasting, relative to principles or candidates.

(3) For payment of speakers and musicians at public meetings, and their necessary traveling expenses.

(4) Printing and distribution of lists of candidates, sample ballots, pamphlets, newspapers, circulars, cards, hand bills, posters and announcements relative to candidates, or public issues or principles.

(5) For copying and classifying election registers, for making canvasses of voters and for challengers at the polls.

(6) For filing fees to the proper public officer, and if nominated at any primary for contributions to the party committee.

(7) For campaign advertising in newspapers, periodicals, or magazines pursuant to the provisions of section 32 of this chapter.

(Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §2.)

Reenactment of §538.

601-10(1)aa. Publications of certain matter corrupt practice.—No publisher of a newspaper, periodical or magazine shall insert either in the advertising columns of such newspaper, magazine or periodical, or elsewhere therein any matter paid or to be paid for which is intended or tends to influence directly or indirectly any voting at any primary or general election unless at the head of said matter is printed in pica capital letters the words "Paid Advertisement", and unless there is also a statement at the head of said matter of the amount paid or to be paid therefor, or a statement that the same is to be paid at regular advertising rates, the name and address of the candidate in whose behalf the matter is inserted and of any other person, if any, authorizing the publication and the name of the author thereof. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §3.)
Reenactment of §539.

601-10(1)b. Shall not be interested in newspaper—Exception.—Every candidate and every member of any personal campaign or party committee, who shall either in his own name or in the name of any other person, own any financial interest in any newspaper or periodical circulating in part or in whole in Minnesota, shall, before such newspaper or periodical shall print any matter otherwise than as is provided in section 3 [601-10(1)aa] of this chapter, which is intended or tends to influence directly or indirectly, any voting at any election or primary in this state file in the office of the auditor of the county in which he resides a verified declaration, stating definitely the newspaper or periodical in which or over which he has such financial interest or control, and the exact nature and extent of such interest or control. The

editor, manager or other person controlling the publication of any such newspaper or article, who shall print or cause to be printed any such matter contrary to the provisions of this act, prior to the filing of such verified declaration from any person required by this section to file such declaration, shall be guilty of a violation hereof. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §4.)

Reenactment of §540.

601-10(1)bb. Newspapers to designated articles as paid advertisement.—No owner, publisher, editor, reporter, agent or employee, of any newspaper or periodical, shall, directly or indirectly, solicit, receive or accept any payment, promise or compensation, nor shall any person pay or promise to pay, or in any manner compensate any such owner, publisher, editor, reporter, agent or employee, directly or indirectly, for influencing or attempting to influence through any printed matter in such newspaper or periodical any voting at any election or primary through any means whatsoever except through the matter inserted in such newspaper or periodical as "PAID ADVERTISEMENT", and so designate as provided by this chapter. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §5.)

Reenactment of §541.

601-10(1)c. Limit of expenditures.—No disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by or on behalf of any candidate for any office under the constitution or laws of this state, or under the ordinance of any town or municipality of this state in his campaign for nomination and election, which shall be in the aggregate in excess of the amounts herein specified, namely:

1. For governor, \$7,000;
2. For other state officers, \$3,500;
3. For state senator, \$600.00;
4. For member of house of representatives, \$400.00;
5. For presidential elector-at-large, \$500.00; and for presidential elector for any congressional district, \$100.00;
6. For any county, city, village or town officer, for any judge or for any officer not hereinbefore mentioned, who if nominated and elected, would receive a salary, a sum not exceeding one-third of the salary to which each person would, if elected, be entitled during the first year of his incumbency in such office. If such person when nominated and elected, would not receive a salary, a sum not exceeding one-third of the compensation which his predecessor received during the first year of such predecessor's incumbency. If such officer, when nominated and elected, would not receive a salary and if such officer had no predecessor, and in all cases not specifically provided for \$100.00, and no more. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §6.)

Reenactment of §542.

601-10(1)cc. Solicitation of contributions prohibited.—No person shall demand, solicit, ask or invite any payment or contribution to any religious, charitable or other causes or organizations, supposedly to be primarily for the public good, from any candidate for nomination or election, or to subscribe for the support of any club, or organization, or to buy tickets to any entertainment or ball or to pay for space in any book, program, periodical or publication, nor shall such demand or solicitation be made upon any committee. Provided, however, this shall not apply to the solicitation of any business advertisement in periodicals in which the candidate was a regular contributor, prior to his candidacy, nor to ordinary business advertisements, nor to regular payments of any organization, religious, charitable or otherwise, of which he was a member, or to which he was a contributor for more than six months before his candidacy, nor to any ordinary contributions at church services. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §7.)

Reenactment of §543.

601-10(1)d. Printed matter must include name of person distributing.—Any person or committee who shall publish, issue or circulate, or cause to be published, issued or circulated, otherwise than in a newspaper, as provided in section 3 of this chapter, any literature or any publication tending to influence voting at any primary or election which fails to bear on the face thereof the name and address of the author, the name and address of the candidate in whose behalf the same is published, issued or circulated, and the name and address of any other person or committee causing the same to be published, issued or circulated, and any person, firm, corporation or committee who shall knowingly make or publish or cause to be published, any false statement in relation to any candidate or proposition to be voted upon, which statement is intended to or tends to affect any voting at any primary or election, shall be guilty of a misdemeanor; provided, however, nothing herein contained shall be construed as modifying or repealing any of the provisions of Part Nine, chapter 1, section 10 [601-9(1)i]. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §8.)

Reenactment of §544.

601-10(1)dd. Certain solicitations prohibited.—

(1) No person shall solicit, receive or accept any money, property or other thing of value, or any promise or pledge thereof, constituting a disbursement prohibited by this chapter.

(2) No person, firm or co-partnership shall disburse, expend or contribute in any manner whatsoever for political purposes during any primary or election, a sum of money in excess of \$50.00, except through a political committee.

(Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §9.)
Reenactment of §545.

601-10(1)e. Shall not induce person to become a candidate or refrain therefrom.—No person shall pay, or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from or cease being a candidate, and no person shall solicit or receive any payment, promise or reward from another for such purpose. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §10.)

Reenactment of §546.

601-10(1)ee. Acts by candidates prohibited.—No person or candidate shall, either by himself or by any other person, while such candidate is seeking a nomination or election, directly or indirectly, give, provide, or pay, wholly or in part, the expenses of giving or providing any meat, drink or other entertainment or provision, clothing, liquors, cigars or tobacco, to or for any person for the purpose of or with intent to influence that person or any other person to give or refrain from giving his vote at such primary or election to or for any candidate or political party ticket, or measure before the people or on account of such person or other person having voted or refrained from voting for any candidate or the candidates of any political party or organization or measure before the people, or being about to vote, or refrain from voting, at such election. No elector shall accept any such meat, drink, entertainment, provision, clothing, liquor, cigars, or tobacco, and such acceptance shall be a ground of challenge to his vote and of rejecting his vote on a contest. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §11.)

Reenactment of §547.

601-10(1)f. Same.—No person shall directly or indirectly by himself or any other person in his behalf, make use of or threaten to make use of any force, coercion, violence, restraint, or undue influence or inflict or threaten to inflict by himself, or any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel such person to vote or refrain from voting for any candidate or the ticket of any political party, or any measure before the people, nor shall by abduc-

tion, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise of any voter at any primary or election, or compel, induce or prevail upon any elector to give or to refrain from giving his vote at any primary or election.

Reenactment of §548.

601-10(1)ff. Making of wagers prohibited.—Any candidate who, before or during any primary or election campaign, makes any bet or wager of anything of pecuniary value, or in any manner becomes a party to any such bet or wager on the result of the primary or election in his electoral district, in any part thereof, or on any event or contingency relating to any pending primary or election, or who provides money or other valuable thing to be used by any person in betting or wagering upon the results of any pending primary or election, shall be guilty of violation of this chapter. Any person, who for the purpose of influencing the result of any primary or election, makes any bet or wager of anything of pecuniary value on the result of such primary or election, in his electoral district or any part thereof, or of any pending primary or election, or on any event or contingency relating thereto, shall be guilty of a violation of this chapter, and in addition thereto, any such act shall be a ground of challenge against his right to vote. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §13.)

Reenactment of §549.

601-10(1)g. Not to pay for time lost at polls.—It shall be unlawful for any person to pay another for any loss or damage due to attendance at the polls, or in registering. No person shall pay for personal service to be performed on the day of a caucus, primary, convention, or any election, for any purpose connected therewith, tending in any way, directly or indirectly, to affect the result thereof, except for the hiring of persons whose sole duty it is to act as challenger and watch the count of official ballots. No person shall buy, sell, give or provide any political badges, buttons or other insignia to be worn at or about the polls on the day of any primary or election and no such political badge, button or other insignia shall be worn at or about the polls on any primary or election day. No person or committee, or organization shall convey or furnish any vehicle for conveying or bear any portion of any expense of conveying any voter to or from the polls, but this provision shall not apply to persons in the same household, nor shall it prohibit two or more voters from providing joint transportation for themselves by mutual agreement at their own expense. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §14.)

Reenactment of §550.

601-10(1)gg. Soliciting near polling places prohibited.—

(1) It shall be unlawful for any person within 100 feet of the building in which any polling place is situated on the day of any primary or election to ask, solicit or in any manner try to induce or persuade any voter on such primary or election day to vote for or refrain from voting for any candidate or the candidates of any political party or organization, or any measure submitted to the people, and upon conviction thereof he shall be punished by a fine of not less than \$5.00 nor more than \$100.00 for the first offense, and for the second and each subsequent offense occurring on the same or different election days, he shall be punished by a fine as aforesaid, or by imprisonment in the county jail for not less than five nor more than 30 days or by both such fine and imprisonment.

(2) Any person who shall at any place on the day of any primary or election circulate or distribute, or cause to be circulated or distributed, any campaign cards, candidates' cards, placard or campaign literature of any kind whatsoever, shall be guilty of a misdemeanor. Provided, nothing herein contained shall be construed as modifying or repealing the provisions of Part Nine, chapter 1, section 4 [601-9(1)c]. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §15.)

Reenactment of §551.

601-10(1)h. Disbursements by candidate.—No candidate shall make any disbursement for political purposes except under his personal direction which for any purpose shall be considered his act through his party committee, or through a personal campaign committee, whose authority to act shall be filed, as provided in this act. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §16.)

Reenactment of §552.

601-10(1)hh. Campaign committees.—Any candidate may select a single personal campaign committee to consist of one or more persons. Before any personal campaign committee shall make any disbursement in behalf of any candidate, or shall incur any obligation, expressed or implied, to make any disbursement in his behalf, such candidate shall file with the filing officer of such candidate a written statement signed by such candidate, setting forth that such personal campaign committee has been appointed and giving the name and address of each member thereof and of the secretary thereof. If the campaign committee consists of only one person, such person shall be deemed the secretary thereof. Any candidate may revoke the selection of any member of such personal campaign committee by a revocation in writing which, with proof of personal service on the member whose selection is so revoked, shall be filed with the filing officer of such candidate. Such candidate may fill the vacancy thus created in the manner in which an original appointment is made. In civil actions and proceedings brought under this act, the acts of every member of such personal campaign committee shall be presumed to be with the knowledge and approval of the candidate until it has been clearly proved that the candidate did not have knowledge of and approve the same, and that, in the exercise of reasonable care and diligence, he could not have had knowledge of and opportunity to disapprove the same. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §17.)

Reenactment of §553.

601-10(1)i. Limit of expenditures by campaign committees.—No personal campaign or party committee shall make any disbursement except:

(1) For maintenance of headquarters and for hall rentals incident to the holding of public meetings.

(2) For necessary stationery, postage, telegraph, telephone, radio broadcasting, messenger and clerical assistance to be employed at a candidate's headquarters or at the headquarters of the committee, incident to the writing, addressing and mailing of letters and campaign literature.

(3) For necessary expenses, incident to the furnishing and printing of badges, banners and other insignia, to the printing and posting of handbills, posters, lithographs and other campaign literature, and the distribution thereof through the mails or otherwise.

(4) The campaign advertising in newspapers, periodicals or magazines, as provided in this chapter.

(5) For wages, and actual necessary personal expenses of public speakers, organizers and musicians.

(6) For traveling expenses of members of the committee.

(7) For preparing election registers and for challengers at the polls.

(Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §18.)

Reenactment of §554.

601-10(1)ii. Claims against candidate or campaign committee.—Every person who shall have any bill, charge or claim upon or against any personal campaign or party committee or any candidate, for any disbursement made, services rendered, or thing of value furnished, for political purposes, or incurred in any manner in relation to any primary or election, shall render in writing to such committee or candidate such bill, charge or claim within ten days after the day of the primary or election in connection with which such bill, charge or claim was incurred. No candidate and no personal campaign or party commit-

tee shall pay any bill, charge or claim so incurred prior to any primary or election, which is not so presented within ten days after such primary or election. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §19.)

Reenactment of §555.

601-10(1)j. Must file verified statement of expenditures.—Every candidate, and the secretary of every personal campaign and party committee, shall, on the last Monday in August, on or before the tenth day following the primary, on the third Monday in October, and on or before the tenth day following the general election, file a financial statement verified by the candidate or the secretary of the committee, as the case may be, which shall show in itemized detail all transactions, all disbursements, and all obligations to make disbursements, for political purposes. Each statement, after the first, shall contain a summary of all preceding statements.

The statement of any candidate and the statement of his personal campaign committee shall be filed with the filing officer of such candidate. The statement of every state committee and of every congressional committee shall be filed with the secretary of state. The statement of every party committee for a legislative district shall be filed with the filing officer of the candidate for senator or representative in such legislative district. The statement of every other party committee shall be filed in the office of the county auditor of the county within which, or for a subdivision within which such disbursements were made. Each statement shall give in full detail:

(a) Every sum of money and all property, and every other thing of value, received by such candidate or committee during such period from any source whatsoever which he or it uses or has used, or is at liberty to use for political purposes, together with the name of every person or source from which each was received and the date when each was received, together with the total amount received from all sources in any amount or manner whatsoever.

(b) Every promise or pledge of money, property or other thing of value, received by such candidate or committee during such period, the proceeds of which he uses or has used, or is at liberty to use for political purposes, together with the names of the persons by whom each was promised or pledged, the special purposes for which each was promised or pledged and the date when each was so promised or pledged, together with the total amount promised or pledged from all sources in any amounts or manner whatsoever.

(c) Every disbursement by such candidate or committee for political purposes during such period, together with the name of every person to whom the disbursement is made, the specific purpose for which each was made, and the date when each was made, together with the total amount of disbursements made in any amounts or manner whatsoever.

(d) Every obligation, expressed or implied, to make any disbursement incurred by such candidate or committee for political purposes during such period, together with the names of the person or persons to or with whom each such obligation has been incurred, the specific purposes for which each was made, and the date when each was incurred, together with the total amount of such obligations made in any amounts or manner whatsoever.

Statements shall also be made by any other political committee showing the total amount of receipts and disbursements, and for what purpose such disbursements were made. Such statement shall be filed with the auditor of the county in which such committee has its headquarters within 30 days after any primary or election. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §20.)

Reenactment of §556.

601-10(1)j. Blanks for filing statement of expense.—Blanks for all statements required by this chapter shall be prepared by the secretary of state and copies thereof, together with a copy of this chapter,

shall be furnished through the county auditor or otherwise, as the secretary of state may deem expedient, to the secretary of every committee, and to every candidate upon filing of nomination papers, and to all other persons required by law to file such statements who may apply therefor. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §21.)

Reenactment of §557.

601-10(1)k. Names of candidates shall not be printed on ballot unless statement is filed.—The name of a candidate chosen at a primary election or otherwise shall not be printed on the official ballot for the ensuing election, unless there has been filed by or on behalf of said candidate and by his personal campaign committee, if any, the statements of accounts and expenses relating to nomination required by this chapter. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §22.)

Reenactment of §558.

601-10l. May not promise appointments.—No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself, or through any other person, appoint or promise to appoint any person, or secure or promise to secure or aid in securing the appointment, nomination or election of any person to any public or private position or employment, or to any position of honor, trust or emolument. Nothing herein contained, however, shall prevent a candidate from stating publicly his preference for or support of any other candidate for any office to be voted for at the same primary or election; nor prevent a candidate, for any office in which the person elected will be charged with the duty of participating in the election or the nomination of any person as a candidate for any office, from publicly stating or pledging his preference for or support of any person for such office or nomination. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §23.)

Reenactment of §559.

601-10(1)m. May not influence employees.—No person being an employer or acting for or in behalf of any employer shall give, distribute or cause to be given or distributed to any of his employees, any printed or written matters containing any threat, notice or information, or make any threat, verbal or otherwise, that in case any particular ticket or a political party or organization or candidate shall be elected or any measure referred to a vote of the people shall be adopted, work in his place or establishment will cease, in whole or in part, or his place or establishment will be closed up, or the salaries or wages of the workmen or employees be reduced, or other threats, expressed or implied, intended or calculated to influence the political opinion or action of his workmen or employees. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §24.)

Reenactment of §560.

601-10(1)n. May authorize distribution by campaign committee.—Any candidate may delegate to his personal campaign committee or to any party committee of his party in writing duly subscribed by him, the expenditure of any portion of the total disbursements which are authorized to be incurred by him or on his behalf, by the provisions of this chapter, but the total of all disbursements by himself and by his personal campaign committee in his behalf shall not exceed in the aggregate the amounts in this chapter specified, except as provided herein. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §25.)

Reenactment of §561.

601-10(1)nn. Limitation of disbursements by committee.—

(1) No disbursement shall be made and no obligation, expressed or implied, to make such disbursement, shall be incurred by or in behalf of any personal campaign committee, exceeding in the aggregate the total amounts theretofore delegated to such committee in writing, duly subscribed as provided herein.

(2) The state central committee of any political party entitled by law to have the names of its candidates placed upon the official ballot in a general election, may, however, in addition to the disbursements and obligations to make disbursements provided for in sub-section 1 hereof, make further disbursements in connection with any general election, not exceeding in the aggregate the sum of \$10,000.

(3) Nothing contained in this chapter shall be construed to authorize the state central committee of any political party, to make disbursements in connection with any election, in excess in the aggregate of \$10,000, and every disbursement by any such committee in excess of such amount is forbidden. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §26.)

Reenactment of §562.

601-10(1)o. Corporations not to contribute to political campaign.—No corporation doing business in this state shall pay or contribute, or offer, consent, or agree to pay or contribute, directly or indirectly, any money, property, free service of its officers or employees or thing of value to any political party, organization, committee or individual for any political purpose whatsoever, or to promote or defeat the candidacy of any person for nomination, election or appointment to any political office. If any corporation shall be convicted of violating any of the provisions of this chapter, it shall be subject to a penalty in the amount not exceeding \$10,000 to be collected as other claims or demands for money are collected; and, if a domestic corporation, in addition to said penalty, it may be dissolved; and, if a foreign or non-resident corporation, in addition to said penalty, its right to do business in this state may be declared forfeited. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §27.)

Reenactment of §563.

601-10(1)p. Violations — Penalties.—Any officer, employee, agent or attorney or other representative of any corporation, acting for or in behalf of such corporation who shall violate the provisions of this chapter, shall be punished upon conviction by a fine of not less than \$100.00 nor more than \$5,000, or by imprisonment in the state prison for a period of not less than one nor more than five years, or by both such fine and imprisonment. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §28.)

Reenactment of §564.

601-10(1)pp. Violation by officer to be construed as violation of corporation.—The violation of the provisions of this chapter by any officer, of such corporation shall be prima facie evidence of said violation by such corporation. All fines or forfeitures recovered under the provisions of this chapter shall when collected be paid into the treasury of the county for the use of the road and bridge fund, and it is hereby made the duty of the county attorney of each county to conduct prosecutions under this chapter on proper complaint. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §29.)

Reenactment of §565.

601-10(1)q. Certain acts gross misdemeanor.—Any person or persons who shall aid, abet, or advise a violation of the provisions of this chapter, shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished as provided in this chapter. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §30.)

Reenactment of §566.

601-10(1)r. Prosecutions—Where made.—Violations of the provisions of this chapter may be prosecuted in the county where such payment or contribution is made or services rendered or in any county wherein such money has been paid or distributed. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §31.)

Reenactment of §567.

601-10(1)rr. Filing officers shall notify candidate or committee.—The officer with whom the expense account of any candidate for public office or committee is required to be filed by the provisions of this chap-

ter, shall notify such candidate or committee of the failure to comply with such law, immediately upon the expiration of the time fixed by any law of this state for the filing of the same, and shall notify the county attorney of the county where such candidate resides or in which the headquarters of the committee is located, of the fact of the failure to file such expense account and said county attorney shall thereupon notify such candidate or the secretary of said committee of such delinquency and if the provisions of this chapter shall not be complied with within ten days after the mailing of such notice, the county attorney shall thereupon prosecute such candidate or the officer of the committee required by law to file such statement. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §32.)

Reenactment of §568.

601-10(1)s. County Attorney to inquire into violations.—If the county attorney of the county shall be notified by any officer or other person of any violation, of any of the provisions of this chapter, it shall be his duty forthwith to diligently inquire into the facts of such violation, and if there be reasonable ground for instituting a prosecution, it shall be the duty of such county attorney to present the said charge, with all the evidence which he can procure, to the grand jury of such county. If any county attorney shall fail or refuse to faithfully perform any duty imposed upon him by the provision of this chapter, he shall be guilty of a misdemeanor, and on conviction thereof shall forfeit his office. It shall be the duty of the county attorney, under the penalty of forfeiture of his office, to prosecute any and all persons guilty of any violation of the provisions of this chapter, the penalty of which is fine or imprisonment, or both, or removal from office. Any citizen may employ an attorney to assist the county attorney to perform his duties under the provisions of this chapter, and such attorney shall be recognized by the county attorney and the court as associate counsel in the proceeding; and no prosecution, action or proceeding shall be dismissed without notice to, or against the objection of, such associate counsel until the reasons of the county attorney for such dismissal, together with the objections thereto of said associate counsel, shall have been filed in writing, argued by counsel, and fully considered by the court, with such limitation as to the time of filing such reasons and objections as the court may impose. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §33.)

Reenactment of §569.

601-10(1)ss. Violations by unauthorized person not to forfeit nomination.—When upon the trial of any action or proceedings under the provisions of this chapter it shall appear from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means were taken by such candidate at such election, or were taken by or on behalf of the candidate, or that the offenses complained of were trivial or unimportant, and that in all respects his candidacy and election were free from all offensive or illegal acts, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the candidate shall forfeit his nomination, position or office, then the nomination or election of such candidate shall not by reason of such offense complained of be void, nor shall the candidate be removed from nor deprived of his nomination, position or office. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §34.)

Reenactment of §571.

601-10(1)t. Proceedings—When commenced.—Any proceeding under the provisions of this chapter contesting any nomination or election must be com-

menced within ten days after the day of the primary or 30 days after a general election, unless the ground of action is discovered from the statements filed under this chapter, in which event the action must be commenced within ten and 30 days after such discovery, respectively. Any proceeding to annul any nomination or election of any person for office mentioned in this chapter, must be filed in the district court of the county in which the person resides whose right to the nomination, position or office is contested. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §35.)

Reenactment of §572.

601-10(1)tt. Disqualified candidate not to hold position.—A candidate elected to an office, and whose election thereto has been annulled and set aside for any offense mentioned in this chapter, shall not, during the period fixed by law as the term of such office, be appointed to fill any vacancy which may occur in such office. A candidate or other person who is removed from or deprived of his office for any offense mentioned in this chapter, shall not, during the period remaining as the unexpired term of such office, or during the period fixed by law as the next ensuing term of such office, be appointed to fill any vacancy which may occur in such office. Any appointment to an office made in violation of or contrary to the provisions of this section shall be void. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §36.)

Reenactment of §573.

601-10(1)u. Provisions severable.—In event that any provision or paragraph or part of this chapter shall be questioned in any court and shall be held to be invalid, the remainder of the chapter shall not be invalidated, but shall remain in full force and effect. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §37.)

Reenactment of §574.

601-10(1)v. Judgments.—To whom transmitted.—

(1) If any person shall in a criminal action be judged to have been guilty of any violation of the provisions of this chapter while a candidate for any office under the constitution or laws of the state, or under any ordinance of any town or municipality therein, other than the office of state senator or member of the house of representatives, the court shall, after entering the adjudication of guilty, enter a supplemental judgment, declaring such person to have forfeited the office in the conduct of the campaign for the nomination or election to which he was guilty of such violation, and shall transmit to the filing officer of such candidate a transcript of such supplemental judgment, and thereupon such office shall be deemed vacant and shall be filled as provided by law.

(2) If any person shall, in a criminal action, be adjudicated guilty of any violation of the provisions of this chapter, committed while he was a candidate for the office of state senator, member of the house of representatives, United States senator, or representative in Congress, or while he was a member of the personal campaign committee of any such candidate, the court, after entering such adjudication, shall forthwith transmit to the presiding officer of the legislative body as a member of which such officer was a candidate when such violation occurred, a certificate setting forth such adjudication of guilty. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §38.)

Reenactment of §575.

601-10(1)w. May employ counsel.—Nothing contained in this chapter shall prevent any candidate from employing counsel to represent him in any action or proceeding, affecting his rights as a candidate, nor from paying all costs and disbursements necessary incidental thereto. No sum so paid or incurred shall be deemed a part of the campaign expenses of any such candidate. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §39.)

Reenactment of §576.

601-10(1)x. Penalties for violation.—Any person violating any provisions of this chapter except as otherwise provided herein, shall upon conviction

thereof be punished by imprisonment in the county jail for a period of not less than one month nor more than one year, or by imprisonment in the state prison for a period of not less than one year nor more than three years, or by a fine of not less than \$25.00 nor more than \$1,000, or by both such fine and imprisonment; and no person so convicted shall be permitted to take or hold office to which he was elected, if any, or receive the emoluments thereof. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §40.)

Reenactment of §578.

PART ELEVEN

TOWN, VILLAGE AND CERTAIN CITY ELECTIONS

CHAPTER 1.—TOWN MEETINGS

601-11(1). First town meeting.—The first town meeting in each new town shall be held within 20 days after it is organized, at a time and place to be designated by the county board, and the county auditor shall cause ten days' posted notice thereof to be given in each such town. The voters present at such meeting, between 9:00 A.M. and 10:00 A.M., shall choose one of their number as moderator, two others as judges of election, and one as clerk who shall severally take and subscribe the oath required of judges and clerks of a general election, which may be administered to the judges and clerk by the moderator, and to the moderator by either of the judges. They shall thereupon conduct the proceedings of such meeting, and the voters shall possess the same powers as at other town meetings. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §1.)

Reenactment of §1028.

601-11(1)a. Annual town meeting—Date of.—There shall be an annual town meeting held in each town on the second Tuesday of March at the place of holding the last town meeting, or at such other place in the town, or in a city or village within or adjoining the same, designated by the annual town meeting. The clerk shall give ten days' published notice in a qualified newspaper having general circulation within the township, or by posted notice, or both, as the voters at the annual town meeting may direct, specifying the time and place, but if the town meeting shall fail to direct the manner of giving such notice, the town board shall direct the manner of giving notice and all town officers required by law to be elected shall be chosen thereof, and such other business done as is by law required or permitted. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §2.)

Reenactment of §1029.

601-11(1)b. Special town meetings to fill vacancies.—Special town meetings may be held for the purpose of electing officers to fill vacancies or transacting any other lawful business whenever the supervisors, town clerk and justices of the peace, or any two of them, together with at least 12 other freeholders of the town, file in the office of the town clerk a written statement setting forth the reasons and necessity for such meeting and the particular business to be transacted thereat and that the interests of the town require that such meeting be held. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §3.)

Reenactment of §1031.

601-11(1)c. Notices—Publication.—Whenever such statement is so filed, the clerk shall record the same, and cause ten days' posted notice thereof to be given, specifying the purpose for which it is to be held, and, if a newspaper is published in the town, shall cause one week's published notice of such meeting to be given. If vacancies in office are to be filled, the notice shall specify in what offices they exist, how they occurred, who was the last incumbent, and when the legal term of such office expires. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §4.)

Reenactment of §1032.

601-11(1)d. Officers of town meetings.—The voters present any time between 9:00 A.M. and 10:00

A.M. on the day of the annual or any special town meeting shall be called to order by the town clerk, if present; if not, the voters present may elect a chairman by acclamation. They shall then in the same manner choose a moderator of such town meeting. The moderator may be paid \$2.50 for such work, or such amount as may be allowed by the town board. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §5.)

Reenactment of §1033.

601-11(1)e. Clerk of meeting.—The town clerk shall be clerk of the town meeting, and keep full minutes of its proceedings, in which he shall enter at length every order or direction and all rules and regulations made by the meeting. If the town clerk is absent, the voters present shall elect a clerk of the meeting. The minutes of such meeting shall be subscribed by the clerk of the meeting and judges, and filed in the office of the town clerk within two days after the meeting. (Act Apr. 21, 1939, c. 345, Pt. 10, c. 1, §6.)

Reenactment of §1034.

601-11(1)f. Business to be transacted.—At the opening of every town meeting the moderator shall state the business to be transacted, which in case of a special meeting shall be limited to the business specified in the notice of such meeting, and the order in which it will be entertained, and no proposition to vote a tax shall be acted on out of the order of business stated by the moderator; and no proposition to reconsider any vote shall be entertained at any town meeting unless made within one half hour from the time such vote was passed, or the motion for such reconsideration is sustained by a number of voters equal to a majority of all the names entered upon the election register at such election up to the time such motion is made; and all questions upon motions made at town meetings shall be determined by a majority of the electors voting, and the moderator shall ascertain and declare the result on each question. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §7.)

Reenactment of §1035.

601-11(1)g. Who may vote.—Every person qualified to vote at a general election may vote at any town meeting in the town where he resides. If a voter is challenged, the judges shall proceed thereupon as in the case of challenges at a general election, adapting the oath to the circumstances of the case. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §8.)

Reenactment of §1036.

601-11(1)h. Judges of election.—The supervisors of each town shall be the judges of election at the town meetings, but, if there be a vacancy in said board, or any supervisor is absent, the electors may choose judges to fill their places from the qualified voters of the town. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §9.)

Reenactment of §1037.

601-11(1)i. Hours of polling.—The polls shall be opened between 9:00 A.M. and 10:00 A.M., and shall close at 5:00 P. M. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §10.)

Reenactment of §1038.

601-11(1)j. Officers to be elected by ballot—Exceptions.—The supervisors, treasurer, town clerk, assessor, justices of the peace, and constables in each town shall be elected by ballot. All other officers, if not otherwise provided by law, shall be chosen by yeas and nays, or by division, as the electors determine. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §11.)

Reenactment of §1039.

601-11(1)k. Election registers.—When an election is by ballot an election register shall be kept by the clerk of the meeting, on which shall be entered the name of each person whose vote is received. The ballots shall be handed to one of the judges and by him forthwith deposited in a box provided for that

purpose. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §12.)

Reenactment of §1041.

601-11(1)l. Judges to canvass votes.—When an election by ballot is closed the judges shall publicly canvass the votes, which canvass, when begun, shall continue without adjournment or interruption until completed. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §13.)

Reenactment of §1042.

601-11(1)m. Method of canvassing.—The canvass shall be conducted by taking a ballot at a time from the ballot box, and counting until the number of ballots is equal to the number of names on the election register, and, if there are any left in the box, they shall be immediately destroyed. The person having the highest number of votes for any office shall be declared elected, but, if two or more persons have an equal and the highest number of votes for any office, the judges shall at once publicly determine by lot which of such persons shall be declared elected. If, on opening the ballots, two or more ballots are found to be so folded that it is apparent that the same person voted them, the board shall destroy them immediately. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §14.)

Reenactment of §1043.

601-11(1)n. Clerk to record results.—When the canvass is completed, a statement of the result shall be entered at length by the clerk of the meeting in the minutes of its proceedings, and publicly read by him to the meeting. Such reading shall be notice of the result of the election to every person whose name is entered on the election register as a voter. (Act Apr. 21, 1939, c. 345, Pt. 11, h. 1, §15.)

Reenactment of §1044.

601-11(1)o. Clerk to report to County Auditor.—Immediately after the annual town meeting each town clerk shall report to the auditor of his county the name and postoffice address of each town officer who was elected and for what term elected. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §16.)

Reenactment of §1045.

601-11(1)p. Notice to specify each proposition to be voted on.—Every proposition to be voted upon by ballot at a town meeting, other than the election of officers, shall be specified in the notice of such meeting. The ballots cast upon such proposition shall be deposited in a separate box, and a separate election register kept of the electors voting thereon, and shall be counted and canvassed, and the result ascertained, declared, and certified, in like manner as in the case of ballots cast for officers. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §17.)

Reenactment of §1046.

601-11(1)q. Meetings may be adjourned.—Any town meeting may be adjourned to any other day, and from time to time, for the purpose of transacting any business of the town except the election of officers. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §18.)

Reenactment of §1047.

601-11(1)r. Organization meetings.—Whenever any town fails to organize or to elect town officers at the time fixed by law, 12 freeholders thereof may call a town meeting for such purpose by giving ten days' posted notice thereof, setting forth its time, place and object. If no such notice is given in such case within 30 days after the time for holding annual town meetings, the county board, on the affidavit of any freeholder of such town, filed with the county auditor, setting forth the facts, shall appoint officers for such town, who shall have all the powers of officers duly elected, and shall hold their offices until their successors qualify. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §19.)

Reenactment of §1048.

601-11(1)rr. Officers elected at annual meeting.—There shall be elected at the annual town meeting in each town three supervisors as hereinafter provided.

The supervisors now in office shall hold their office for the full term for which they were elected according to the provisions of the laws of 1903. One supervisor shall be elected in the year 1906 for a term of three years, and at each annual town meeting thereafter there shall be one supervisor elected for a term of three years to fill the place of the one whose term expires at that time. After the expiration of the term for which any supervisor has been elected chairman under the provisions of said amended act of 1903, the supervisors shall, at their first meeting after the annual town meeting thereafter elect by ballot one of their number chairman for a term of one year, and each year thereafter shall in the same manner elect their chairman for one year, but a vacancy may be filled by an election for the unexpired term at any meeting of the supervisors. There shall also be elected at the annual town meeting one town clerk, one treasurer, one assessor and one overseer of highways for each road district in said town, as provided by Mason's Minnesota Statutes of 1927, section 2575, as amended by Laws 1937, Chapter 353, two justices of the peace and two constables, each to hold office for a term of two years and until their successors are elected and qualified, except a vacancy may be filled by election at any annual town meeting. Provided, however, that where a new town has been or may be organized and supervisors have been or may be elected for such town at a town meeting prior to the annual town meeting, such supervisors shall serve only till the next annual town meeting at which meeting three supervisors shall be elected, one for three years, one for two years, and one for one year, so that one shall go out each year. The number of years for which each is elected shall be indicated on the ballot, and at each annual town meeting thereafter one supervisor shall be elected for three years to fill the place of the one whose term expires at that time. Provided, further, that town assessors in all towns, except those operating under special laws, shall be elected in odd-numbered years and shall hold their office for two years and until their successors qualify. All terms, except as herein otherwise provided, shall commence on the first secular day of April following the election. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §20.)

Reenactment of §1074.

There is no statutory authority for appointment by town board or by town constable of a deputy constable. Op. Atty. Gen. (847a-3), August 25, 1939.

601-11(1)s. Certain towns may be divided into districts.—The town board in any town in this state having within the boundaries thereof one or more villages which are a part of such town for election and assessment purposes, and having within the boundaries thereof an unincorporated contiguous platted area, in which platted area reside not less than 60 legal voters, may, by resolution adopted 30 days in advance of the annual town meeting, provide for the division of such town into not more than three districts for the purpose of electing town officers; and, in such resolution, shall designate a polling place for each district established and fix the hours of voting for candidates for town officers at such election; and shall appoint two judges to serve in each district as an election board. Such division shall be only for the purpose of electing candidates for town offices and shall not change the manner of transacting other business at town meetings. The notice of the annual meeting in such case shall describe the different districts and the polling places in each and shall state that candidates for town offices will be voted on only at such polling places and that all other business of the annual meeting will be transacted at the usual place of meeting, the time and place of which shall be specified in such notice. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §21.)

Reenactment of §1074-3½.

601-11(1)ss. District election boards to certify to town board.—Each election board established as provided in the preceding section shall count the votes

cast, proclaim the results and submit returns, signed by its members, to the town board; and, within two days after the election, the town board shall meet as a canvassing board and declare the results appearing from said returns. In case of a tie the election shall be determined by lot under the direction of the canvassing board. Proper ballots, ballot boxes and election supplies shall be prepared by the town clerk and furnished to the several election boards in advance of the election. All the provisions of the laws now in force relating to the counting and preserving of ballots at general elections shall apply, except that the town clerk shall be the final custodian of such ballots. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §22.)

Reenactment of §§1074-3½a, 1074-3½b.

601-11(1)t. Town clerk to give notice of election.—The town clerk of each town, within ten days after any election, shall transmit to each person elected to a town office notice of his election. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §23.)

Reenactment of §1076.

601-11(1)tt. Officers to take oath of office.—Every person elected or appointed to a town office, within ten days after receiving notice of his election or appointment, shall take and subscribe the oath required by law. If taken before the town clerk or a justice of the peace, such oath shall be administered and certified without fee. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §24.)

Reenactment of §1077.

601-11(1)u. Shall file oath and bond.—Before entering upon his duties, the person taking such oath shall file the same with the town clerk. Failure to file his oath and bond within the time prescribed by law shall be deemed a refusal to serve. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §25.)

Reenactment of §1078.

601-11(1)v. Certain officers to file acceptances with town clerk.—Every person elected or appointed to the office of overseer of roads or poundmaster, before he enters upon his duties, and within ten days after he is notified of his election or appointment, shall file his acceptance with the town clerk. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §26.)

Reenactment of §1079.

601-11(1)w. Penalty for assuming office without filing oath.—Any town officer who enters upon the duties of his office before taking the oath required by law shall forfeit to the town the sum of \$50.00. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 1, §27.)

Reenactment of §1080.

CHAPTER 2.—VILLAGE ELECTIONS

601-11(2). Present laws to govern village elections.—Until reorganized as provided in Mason's Minnesota Statutes of 1927, section 1110, the several villages and boroughs existing as such, at the time of the taking effect of the Revised Laws of 1905, under special legislative charter or under any general law shall continue thereunder and in all things continue to be governed by such general or special laws; except that the provisions of General Statutes of 1913 and any acts amendatory thereof or supplemental thereto relating to elections in villages, and General Statutes of 1913, chapter 10, and any acts amendatory thereof or supplemental thereto relating to indebtedness of villages, shall apply to and govern all such villages organized under any general law; provided, however, that any village or borough of either class having the requisite population may reorganize as a city in the mode hereinafter prescribed. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 2, §1.)

Reenactment of §1109.

601-11(2)a. Justices of the Peace.—All incorporated villages within the state, whether incorporated under general or special laws, shall hereafter elect two justices of the peace, whose terms of office, powers and duties, shall be such as are now or may be

hereafter prescribed by law. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 2, §2.)
Reenactment of §1167.

601-11(2)b. Elections to be by Australian ballot.—That all elections of town and village officers in all towns and villages shall be held and conducted under the so-called "Australian ballot system", as provided by law for general elections in this state as far as practicable. This shall relate to no preliminaries of such elections except the filing of candidates and the preparation of ballots, as hereinafter provided. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 2, §3.)
Reenactment of §1136.

601-11(2)c. Candidates shall file affidavit of candidacy—Fee.—Candidates for such offices shall file an affidavit at least two weeks before election with the town clerk or village recorder, as the case may be, or application on behalf of any qualified voter of the municipal corporation whom they desire to be a candidate may be made and filed by not less than five voters thereof; provided, however, that service of a copy of the application shall be made on such candidate and proof of service endorsed on the application before filing, paying to such officer a fee of one dollar. Such affidavit shall be substantially as provided by Part Three, chapter 1, section 3, [601-3(1) b] relating to non-partisan offices. There shall be no primary election, but the filing of such affidavits shall be a pre-requisite to having the name of the candidate placed on the official ballot for the general town or village election. The town clerk or village recorder shall prepare and have printed, at the expense of his municipal corporation, the necessary tally books and ballots for such election. The ballots shall be printed on yellow tinted paper, but without the facsimile of the signature of the county auditor. The ballots shall contain no political party designation of any candidate, and the names of the candidates for each office shall be arranged on the ballot alphabetically, according to the surname of each candidate. The ballots shall be counted and preserved as in general elections, except that the own clerk or village recorder shall be the final custodian of such ballots for his municipal corporation. A sample ballot shall be posted at the place of election, at least two days before such election, by the officer whose duty it is to preserve such sample ballot. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 2, §4.)

Reenactment of §§1137, 1140.

601-11(2)d. Provisions of general election law to apply.—All of the provisions of laws now in force relating to offenses and penalties in connection with general elections are hereby made applicable to town and village elections. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 2, §5.)

Reenactment of §1138.

601-11(2)e. Application of act.—The provisions of sections 7 [601-11(2)f] and 8 [601-11(2)g] of this chapter shall apply to all villages in this state organized under any of the laws thereof. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 2, §6.)

Reenactment of §1152-9.

601-11(2)f. Village officers.—In all of the villages of this state the resident electors shall choose the following named officers under the provisions of this act, namely: a treasurer, two constables, and a council composed of a president, a clerk, and three trustees; and, if said village is a separate election district, an assessor shall be elected in each odd-numbered year; and, if there be no municipal court established in such village, two justices of the peace. All officers chosen and qualified as such shall hold office until their successors qualify. Vacancies in office may be filled, for the remainder of the term for which said respective officers were elected, by the council; if the council because of equal division of the vote is unable to fill the vacancy then the president of the council shall fill the vacancy by appointment for the unex-

pired term. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 2, §7.)

Reenactment of §1152-10.

This section supersedes provision in §1134 providing that vacancies in office may be filled for remainder of the year by village council. Op. Atty. Gen. (471), August 8, 1939.

601-11(2)g. Date of village election.—All village elections for the terms and in the manner herein provided shall be held annually on the first Tuesday after the first Monday of December in each year at which the officers specified in section 7 [601-11(2)f] of this chapter shall be elected for the terms following, to-wit: President, for a term of one year; one trustee, for a term of three years; and all other such officers, each for a term of two years. All terms, except as herein otherwise provided, shall commence on the first secular day of January following the election.

Municipal judges shall be elected for four year terms, commencing on the first secular day in January following the election and until their successors are elected and qualified. Provided, however, that the existing succession of terms of municipal judges elected under the provisions of Laws 1925, chapter 4, or any amendments thereto, shall be continued, and successors to such municipal judges shall be elected for four year terms at the elections in December preceding the expiration of the term of such municipal judges, respectively. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 2, §8.)

Reenactment of §1152-12.

601-11(2)h. Canvassing of votes.—The judges for village elections shall forthwith count the votes cast, proclaim the results, and record the same in a tally book provided for the purpose. Such tally book, with the ballots cast, shall thereupon be returned to the village clerk. Within two days after the election the village council shall meet as a canvassing board, and declare the results appearing from said returns. A plurality of votes shall elect; and, in case of a tie, the election shall be determined by lot, in the presence of the canvassing board and under its direction. The village clerk shall forthwith give written notice to each person chosen of his election to the office named, and shall certify the results of said election to the county auditor. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 2, §9.)

Reenactment of §1170.

Any form of tally books which gives names of candidates, with appropriate columns for entering of votes, would constitute a substantial compliance with statute in town, village, and city election, and tally books need not conform to those used at primary and general election. Op. Atty. Gen. (28a-3), August 28, 1939.

601-11(2)i. Special election.—Special village elections may be ordered by the village council, upon its own motion or upon the petition of 50 resident voters, of which at least ten days' posted and one week's published notice in one or more legal newspapers published in said village, if there be one, shall be given, clearly setting forth the questions submitted. Judges and clerks shall be appointed, the vote taken, and the results ascertained, declared, and certified as in the case of annual village elections; provided, however, that no proposal so submitted shall be deemed carried without such a majority in its favor as may be required by law in the particular instance; provided, further, that in case of a tie the proposal shall be deemed lost. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 2, §10.)

Reenactment of §1172.

601-11(2)j. Conduct of village elections.—Except as otherwise provided in section 10 [601-11(2)i] of this chapter, all village elections shall be conducted, and the results ascertained, in the manner provided by law for town meetings; and, except as so modified, all laws regulating the holding of town meetings, canvassing and certifying the results thereof, and relating to the duties of judges and clerks, and to voting and the challenging of votes, and every statute pre-

scribing or punishing offenses in respect to illegal voting, bribery, fraud, corruption, official delinquency, or other offenses at or concerning elections, which are applicable to town meetings, are hereby extended to village elections. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 2, § 11.)

Reenactment of § 1171.

CHAPTER 3.—SPECIAL CITY ELECTIONS IN CITIES OF THE THIRD CLASS

601-11(3). Special elections.—Special elections for any purpose shall be held and conducted in the same manner and the returns thereof made in the same form and manner as in general and biennial elections and within such time as may be prescribed by resolution of the council. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 3, § 1.)

601-11(3)a. How called.—Whenever a special election shall be required in any city of the third class to fill any vacancy in the offices of such city and the charter of such city shall not provide by whom or by what body such special election may or shall be ordered, then in every such case, such special election may be ordered by the council of such city. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 3, § 2.)

Reenactment of § 1665.

601-11(3)b. Elections to fill vacancies.—Whenever a special election shall be ordered in any city of the third class to fill any vacancy in any office of such city, and its charter shall require such special election to be ordered and held within ten days after such vacancy shall occur, candidates for election at such special election shall not be required to be nominated at a primary election, but may be nominated by certificates in the manner provided by law relating to nominations by petition or certificate of voters; provided, however, that all certificates of nomination of candidates for election at such special election shall be filed with, and the nomination fee fixed by law paid to, the city clerk of such city on or prior to the third day before the day appointed for holding such special election. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 3, § 3.)

Reenactment of § 1666.

601-11(3)c. Nomination fees to be paid to City Treasurer.—All nomination fees received by any city clerk under the provisions of this chapter shall be forthwith paid by him to the city treasurer of such city. Said city clerk shall cause the necessary ballots for use at such special election to be prepared, printed and bound in the form and manner provided by law relating thereto, and shall furnish the same to the judges for use at such special election, but such city clerk shall not be required to prepare or post any sample ballot in relation to such special election. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 3, § 4.)

Reenactment of § 1667.

601-11(3)d. Judges of general election to act as judges of special election.—It shall not be necessary to appoint judges for such special election, but the judges at the last general election in every district shall continue to be judges for such special election and vacancies of judges may be filled the same as in case of general elections. Such judges shall constitute the election board for their respective districts for such special elections. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 3, § 5.)

Reenactment of § 1668.

601-11(3)e. Special compensation.—The compensation for services at such special election shall be the same as provided by law for similar services at elections and with other expenses thereof shall be paid as provided by law relating to the payment of expenses at general elections. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 3, § 6.)

Reenactment of § 1669

601-11(3)f. Nomination to be governed by general laws.—Except as otherwise provided in this chapter, or in the charter of the city in which such special

election shall be ordered, the nomination of candidates for such special election and such special election and all things pertaining thereto, shall be in accordance with and controlled by the laws of this state. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 3 § 7.)

Reenactment of § 1670.

601-11(3)g. May direct elections to be held under primary election systems.—The council of any city of the second or third class operating under a home rule charter may, by resolution or ordinance adopted at least four weeks before the date of any municipal election for city officers to be held therein, resolve or ordain that all municipal elections for city officers in said city shall be held and conducted under the primary election system provided for hereby, and thereafter the mode of nomination and election of elective officers of the city to be voted for at any municipal election shall be as follows; provided, however, that the provisions of this chapter shall not apply to any city whose boundaries extend into more than one county of the state. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 3, § 8.)

Reenactment of § 1671.

601-11(3)h. City primary elections.—On a day two weeks preceding the municipal charter election held for the purpose of electing city officers in any city of the second or third class, an election of nominees to be designated "city primary election" shall be held in such city for the selection of candidates for elective offices within such city. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 3, § 9.)

Reenactment of § 1672.

601-11(3)i. Affidavit of candidates.—Not less than ten days preceding the city primary election any eligible person desirous of having his name placed upon the city primary election ballot as a candidate for an elective city office shall file an affidavit with the city clerk, stating his residence, that he is a qualified voter in such city and naming the office for which he desires to be a candidate. Upon payment by such candidate of a fee of one dollar to the clerk, that officer shall place the name of such candidate upon the city primary ballot without any political party designation, except that where only two persons have filed for any one office the names of such persons shall not be placed upon said primary ballot but shall be placed upon the charter election ballot as the nominees for the office named. Only the names of candidates who have filed as herein provided shall be printed on the primary ballot and there shall be no political party designation or mark in such ballot indicative of the source of the candidacy or the support of any candidate. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 3, § 10.)

Reenactment of § 1673.

601-11(3)j. General election laws to govern.—The city primary election shall be held and conducted so far as practicable in the manner provided in the charter of said city for municipal elections of city officers; provided, however, that there shall be no blank space on such ballots for writing in names of candidates, and votes cast for candidates whose names have not been duly placed on such ballots shall not be counted as to such office. The results of the municipal primary election shall be canvassed by the council and the two candidates for each office who shall receive the highest number of votes shall be declared to be the nominees for the office named and their names shall be certified to the city clerk, who shall place them on the charter election ballots without any political party designation. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 3, § 11.)

Reenactment of § 1674.

601-11(3)k. Vacancies in candidacies fill by petition.—Whenever a vacancy occurs in any nomination made at a city primary election the same may be filled by petition as provided in Part Three, chapter 3, sections 1, 2, 3 and 4 [601-3(3) to 601-3(3)c]; but no candidates defeated at the city primary election

shall be eligible for nomination by petition, and after one nominating petition for each such vacancy shall have been duly filed no other nominating petition for the same office shall be received. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 3, §12.)

Reenactment of §1675.

CHAPTER 4.—ELECTIONS IN CITIES OF THE FOURTH CLASS

601-11(4). Application of act.—The provisions of sections 2 to 14 [601-11(4)a to 601-11(4)m], inclusive, of this chapter shall only apply to such cities of the fourth class as now are incorporated, or hereafter may incorporate, in accordance with the provisions of Laws 1921, chapter 462,* as amended by Laws 1931, chapter 289, and Laws 1933, chapter 203. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §1.)

601-11(4)a. Elections—When held.—In each city of the fourth class there shall be a biennial election for elective officers hereinafter provided held on the first Tuesday after the first Monday of November of each odd-numbered year at such place in each ward as the council shall designate, and the polls shall be kept open from 9:00 A. M. until 5:00 P. M. and ten days preceding, notice shall be given by the council of the time and place of holding such election and of the officers to be elected by posting notices thereof in three public places in each ward. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §2.)

Sections 2 to 14 of this chapter are limited to cities organized under Laws 1921, c. 462, and have no application to the city of Jackson, and that city should continue to hold its annual election in April, electing thereat the officers designated in its charter. Op. Atty. Gen. (64f), July 5, 1939.

601-11(4)b. Shall be divided into wards.—Each city of the fourth class shall be divided into not less than two wards; and each ward shall contain, as nearly as practicable, an equal number of legal voters. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §3.)

601-11(4)c. Elective officers.—The elective officers of each city of the fourth class shall be mayor, treasurer, recorder, one justice of the peace who shall be styled city justice, all of whom shall be qualified voters of the city, and two aldermen in each ward who shall be qualified voters therein. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §4.)

601-11(4)d. Removal from office.—In any city of the fourth class any person elected to any office by the people may be removed from said office by a vote of two-thirds of all the aldermen authorized to be elected. No such officer shall be removed except upon cause, after he shall have been furnished with a written statement of the charges against him and afforded a reasonable opportunity to defend against such charges. The council shall fix a time and place for the trial of such officers, of which not less than ten days' notice shall be given, and shall have power to compel the attendance of witnesses and the production of books and papers and to hear and determine the case; and, if said officer shall neglect to appear and answer the charge against him, the council may declare the office vacant. (Act Apr. 21, 1939, c. 345, Pt. 11, ch. 4, §5.)

601-11(4)e. Elections to fill vacancies.—Whenever a vacancy shall occur in the office of aldermen by death or removal or resignation or otherwise, the common council shall have power and it shall be their duty to declare the office vacant by resolution entered upon their minutes. Such vacancy shall be filled by a new election, held only in the ward which has been deprived of representation on the council by the creation of such vacancy, which shall be ordered by the common council within 10 days after said vacancy is declared, and held within 20 days after such declaration, and reasonable notice of such election shall be given. Any vacancy occurring in any other office shall be filled by a resolution of the common council adopted by a majority vote of the remaining members

of the council within 15 days after such vacancy occurs unless otherwise provided for. A person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof, for the unexpired term and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §6.)

601-11(4)f. Elections to be by ballot.—All elections by the people shall be by ballot and each ballot shall contain the names of the persons voted for with a proper designation of the office written or printed thereon and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council at such time and in such manner as they shall direct. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §7.)

601-11(4)g. Who may vote at elections.—All persons entitled to vote for state and county officers and who shall have resided in the city for three months next preceding the election and ten days in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this chapter and to hold any office hereby created; and the different wards established by law shall constitute election districts for state and county as well as city elections and the mode of conducting all state and county elections in said city shall be in the manner as by law provided. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §8.)

601-11(4)h. Judges of election.—The elections in said city shall be held and conducted by three judges of election to be appointed by the common council and who take the usual oath or affirmation as prescribed by the general laws of the state to be taken by judges and shall have power to appoint clerks of such elections and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties as required by the laws of this state regarding elections. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §9.)

601-11(4)i. Judges to make returns.—When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, the said judges shall make returns thereof, stating therein the number of votes for each person for each and every office and shall deliver or cause to be delivered such returns to the city recorder within three days after any election, and the common council shall meet and canvass said returns and declare the results as it appears from the same within three days thereafter. The city recorder shall forthwith notify the officer or officers elected of their election by written notice served upon such officer in person or left at their usual place of abode with some person of suitable age and discretion. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §10.)

601-11(4)j. General elections laws to cover special election.—Special elections for any purpose shall be held and conducted in the same manner and the returns thereof made in the same form and manner as in general and biennial elections and within such time as may be prescribed by resolution of the common council. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §11.)

601-11(4)k. When office is deemed vacant.—Any officer removing from the city or ward for which he is elected or any officer who shall refuse or neglect for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office shall be deemed to have vacated his office and the common council shall proceed to fill the vacancy as herein prescribed. (Act Apr. 21, 1939, c. 345, Pt. 11, §12.)

601-11(4)l. Terms of elective offices.—The term of every elective officer elected hereunder shall commence on the first Tuesday after the first Monday in January next succeeding his election, and shall continue for two years and until his successor is elected and qualified. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §13.)

601-11(4)m. May order new election.—Should there be a failure by the people to elect any officer therein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place being given. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §14.)

601-11(4)n. Conduct of election.—In all cities of the fourth class the election of all officers required to be chosen by the voters of the city shall be held and conducted as hereinafter prescribed, unless otherwise provided by the law under which the city is organized and operating, or by the charter of the city, if organized under the Constitution, Article 4, Section 36. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §15.)

Reenactment of §1805.
Op. Atty. Gen. (64f), July 5, 1939; note under §2, of this chapter.

601-11(4)o. Affidavit of candidacy.—In any city of the fourth class not less than 15 days preceding the city election, any eligible person desirous of having his name placed upon the official election ballot as a candidate for an office to be voted for at such election by the voters of such city, shall file an affidavit with the city clerk, stating his residence, that he is a qualified voter in such city and the name of the office for which he desires to be a candidate; and, upon payment of a fee of one dollar to the city clerk, that officer shall accept such affidavit and place the name of such candidate upon the official election ballot without any political party designation. There shall be no primary election, but the filing of such affidavit shall be a pre-requisite to having the name of the candidate placed on the official ballot for the city election. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §16.)

Reenactment of §1806.

601-11(4)p. City clerk to prepare ballots, etc.—In any city of the fourth class the city clerk shall prepare and cause to be printed at the expense of the city necessary election registers, tally books and ballots for such election. The ballots shall be printed on red paper but need not bear the facsimile of the signature of any officer. Each ballot shall be headed, "City Election Ballot", and shall state the name of the city, the date of the election and, except as herein otherwise provided, shall conform to the state ballot used at general elections. Names of candidates shall be arranged thereon alphabetically according to surnames without any party designation. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §17.)

Reenactment of §1807.

601-11(4)q. City council to select polling places.—In every city of the fourth class, not less than ten days before the day of the city election, the council shall select and designate one polling place for each district in the city; and, not less than five days before such election, the city clerk shall post in three conspicuous places in said city, and publish once in a qualified newspaper in such city, if there be one, otherwise in a qualified newspaper in the county, a notice of the election, stating the time and place thereof, the location of each polling place, the names of the candidates, the offices to which they desire to be chosen, and also any question or proposal which may be voted on at such election; and the city clerk shall also post and publish in the same manner samples of the official ballot. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §18.)

Reenactment of §1808.

Five days' published and posted notice should be given of regular and special city elections in Jackson. Op. Atty. Gen. (64f), July 5, 1939.

Designation of polling places at Jackson City election should be made by resolution or ordinance in accordance with this section, unless charter otherwise provides. Id.
One designation of polling places for all future elections will not constitute a compliance with statute. Id.

601-11(4)r. Election to be by Australian ballot.—In every city of the fourth class, the city election shall be held and conducted under the Australian ballot system as provided by law for general elections. The name and residence of each person voting at such election shall be entered by the judges on an election register. The ballots shall be counted and preserved as at general elections, except that the clerk shall be the final custodian thereof. After the ballots have been counted, the election board shall publicly announce the results and certify the same, together with the ballots, to the council. The results of the election shall be canvassed by the council and the candidate for each office who receives the highest number of votes therefor shall be declared elected thereto and shall be given a certificate of election by the city clerk. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §19.)

Reenactment of §1809.

601-11(4)s. General election laws to apply.—So far as practicable, all the provisions of this act relating to general elections, including the provisions relating to the arrangement of polling places, peace officers, challengers, procuring ballots, boxes and supplies, and all laws defining offenses and fixing penalties at general elections are hereby made applicable to city elections held in any city of the fourth class. (Act Apr. 21, 1939, c. 345, Pt. 11, c. 4, §20.)

Reenactment of §§1810, 1811.

PART TWELVE

REPEALS

601-12. Statute repealed.—Mason's Minnesota Statutes of 1927, Chapter 6; Mason's Minnesota Statutes of 1927, 1936 Supplement, Chapter 6; Mason's Minnesota Statutes of 1927, Sections 774, 775, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1054, 1074, 1074-1, 1074-2, 1074-3, 1074-3½, 1074-3½a, 1074-3½b, 1074-4, 1074-5, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1109, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1152-1, 1152-2, 1152-3, 1152-4, 1152-5, 1152-6, 1152-7, 1152-8, 1167, 1168, 1169, 1170, 1171, 1172, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1805, 1806, 1807, 1808, 1809, 1810, 1811, and 1828-31; Mason's Minnesota Statutes of 1927, 1936 Supplement, Sections 1029, 1033, 1074-1, 1074-3½ as amended by Laws 1937, Chapter 147, 1074-3½a, 1074-3½b, 1146, 1152-9, 1152-10, 1152-11, 1152-12, 1152-13, 1152-14, 1152-15, 1671, and 1828-31; and Laws 1937, Chapters 29, 93, 147, 270 and 413; and all other laws inconsistent herewith. (Act Apr. 21, 1939, c. 345, Pt. 12, §1.)

Editorial note.—This section does not in its body contain repealing words, but the session laws and the enrolled bill contain the heading "Part Twelve—Repeals" and section 2, following, starts out with the words: "The repeal by this act." The missing words may, perhaps, be supplied by construction.

601-12a. Application of act.—The repeal by this act, of any act or part thereof, whether the same be re-enacted herein or not, shall not revive any law heretofore or hereby repealed or any office abolished; and shall not affect any act done, ratified or confirmed, or any right accrued or established, or any action or proceeding had or commenced in a civil cause before the repeal takes effect, but the proceedings in such case shall conform, so far as practicable, to the provisions of this act. Such repeal shall not affect any penalty or forfeiture previously incurred, except that the provisions of this act whereby a punishment, penalty or forfeiture is mitigated may be extended and applied to a judgment pronounced after they take effect; and in actions or prosecutions pending at the time of the repeal, for offenses committed, or for the

recovery of penalties or forfeitures incurred, under any of the acts repealed, the subsequent procedure shall conform, so far as practicable, to the provisions of this act. Whoever, when said repeal takes effect, holds an office under any of the laws repealed, shall continue to hold it according to the tenure thereof, unless it is abolished or unless a different provision relative thereto is made by this act. The provisions of this act, so far as they are the same as those of existing statutes, shall be construed as continuations thereof, and not as new enactments; and references to statutes not repealed to provisions of law which are re-enacted herein shall be construed as applying

to such provisions as so incorporated in this act, if in any statute hereby repealed, a limit of time be prescribed for acquiring a right, barring a remedy, or any other purpose, which period has begun to run, and the same or as similar limitation is herein prescribed, the time of limitation shall continue to run with the same effect as though the whole period had elapsed under the operation of this act. (Act Apr. 21, 1939, c. 345, Pt. 12, §2.)

601-12b. Effective August 1, 1939.—This act shall take effect and be in force from and after August 1, 1939. (Act Apr. 21, 1939, c. 345, Pt. 12, §3.)

CHAPTER 7

Counties and County Officers

CHANGE OF BOUNDARIES

602. Change—New counties.

That portion of Lake of the Woods known as Muskeg Bay is not a part of Roseau County, but a part of Lake of the Woods County. Op. Atty. Gen. (106b), Mar. 21, 1936.

615-1. Center line of highway to be boundary in certain cases.—Where a city of the fourth class is situated in one county and such city adjoins a city of the first class in another county and where a highway runs along the boundary line between said cities and the boundary line between said counties and where the center line of the said highway deviates from the boundary line between said cities and counties, but the boundary line between said cities and counties is within or on the lateral limits of said highway, then the center line of the highway between such cities and such counties shall be established as the boundary line between said city of the fourth class and said city of the first class and as the boundary line between the counties in which such cities are situated. (Act Apr. 13, 1933, c. 230.)

615-2. Change in boundary line in certain counties.—That all the land situated in Sections 16 and 21, Township 121, Range 46, Lac qui Parle County, be and the same hereby is detached from the County of Lac qui Parle and annexed to the County of Big Stone in this State. (Apr. 24, 1937, c. 423, §1.)

615-3. Same—Laws applicable.—That Chapter 7 of Mason's Minnesota Statutes of 1927 [§§602 to 997-11], and laws amendatory thereof, shall be applicable, where not inconsistent therewith, to this act. (Apr. 24, 1937, c. 423, §2.)

615-4. Same—Effective January 1, 1938.—This act shall be in full force and effect from and after January 1, 1938. (Apr. 24, 1937, c. 423, §3.)

CHANGING COUNTY SEATS

625. Petition for change.

175M486, 221NW870; note under §626.
Number of signatures on petition is to be determined by last preceding general election. Op. Atty. Gen. (106E), Nov. 27, 1934.

County auditor has no authority to determine whether petition has been signed by required number of legal voters. Op. Atty. Gen. (125a-19), Mar. 24, 1938.

Petition for change of county seat is open to public inspection while on file with county auditor. Op. Atty. Gen. (125a-19), Mar. 24, 1938.

It is not temporary character of employment of persons on public works, but the temporary character of their residence in district which determines right to vote. Op. Atty. Gen. (106e), Apr. 11, 1938.

626. Form of notice.

174M397, 219NW458; note under §627.
Giving of notice of intention to circulate a petition is jurisdictional, but proof of the notice may be filed with the county auditor later and before he gives notice of calling of a special meeting to consider the petition. 175M486, 221NW870.

627. Duties of county board.

Voters who first give notice of intention to circulate a petition have the exclusive right of way over any other petition. 174M397, 219NW458.

County board is to inquire and determine if signers of petition are legal voters. Op. Atty. Gen. (106e), Apr. 11, 1938.

631. Conduct of election.

Laws 1929, c. 198, post, §401-1, did not charge time of opening and closing polls under this section. Op. Atty. Gen.

CONSOLIDATION OF COUNTIES

637-1. Two or more counties may consolidate.—Two or more counties may be consolidated into a single county in the manner hereinafter provided. (Act Apr. 15, 1933, c. 273, §1.)

637-2. Petition.—A petition for each county to be affected thereby, signed by voters thereof equal in number to at least one-fourth of those voting in such county at the last preceding biennial election, giving the residence of each signer, shall be filed with the secretary of state not less than 90 days before any general election, praying for the consolidation of the counties therein named, specifying the name of the proposed new county and the name and location of the proposed county seat. (Act Apr. 15, 1933, c. 273, §2.)

637-3. Governor to issue proclamation.—If it appears that each petition is signed by the requisite number of persons who are voters in each of the counties affected, of which latter fact the affidavits of persons procuring the signatures thereto shall be prima facie evidence, and if said petition otherwise conforms to the requirements of Section 2, the secretary of state shall notify the governor of the filing thereof, who, not less than 60 days before such general election, shall issue his proclamation reciting that such petitions have been so filed, the substance thereof, and directing that the question of such consolidation shall be submitted to the voters of the respective counties to be affected thereby at such election. (Act Apr. 15, 1933, c. 273, §3.)

637-4. Secretary of State to give notice.—Upon the issuing of such proclamation, the secretary of state shall record the petitions, affidavits and proclamation, and shall cause three weeks' published notice of such proclamation to be given in the county seat of each county affected thereby, and shall transmit a certified copy of such proclamation by mail to the auditor of each county. (Act Apr. 15, 1933, c. 273, §4.)

637-5. Notice of election.—The notice of such general election shall specify that the question of consolidating said counties will be voted upon at such election and shall state substantially the facts set